JOURNAL *of the* REGULAR SESSION

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

Begun and Held in the City of Frankfort, the Third Day of January, in the Year of Our Lord 1922, and of the Commonwealth One Hundred and Thirty.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 24, 1922.

The House was opened with prayer by the Rev. M. S. Clark of the Methodist Episcopal Church, South, of Frankfort.

The roll was called and the following Members answered to their names, viz.:

J. E. Bickett
W. M. Boling
J. F. Bosworth
Thos. Bowman
Berl Boyd
John E. Brown
W. R. Button
Sam A. Cary
Chas. Chandler
Lee Clark
E. B. Cross
Bryce Cundiff
J. C. Day
O. A. Denton
G. Givens Dixon
A. W. Dorsey
G. Lucien Drury
H. C. Duffy
George W. Ellis
Mrs. M. E. Flannery
Emery L. Frazier
Dr. H. M. Fultz
W. L. Gossett
Bryant Green
Ed. A. Gullion
J. Edgar Hadden
Arch L. Hamilton
H. C. Hawkins
Thos. O. Holder
David J. Howard
Frank J. Humbert
R. O. Huntsman
J. T. Jennings
Lester Jeter
Ira Jones
Wright Kelly
H. R. Lawrence
Oscar Leibson
Leon P. Lewis
Martin Light
Rufus Lisle
Harry J. Meyers
Harry B. Miller
Claude D. Minor
R. C. Moore
S. H. Moore
Ed. P. Murrah
B. A. Muster
W. T. McGuire
R. D. McMurtry
E. E. Nelson
Chas. A. Nelson
Geo. W. Newman
D. A. O'Donovan
C. C. Oney
James Park
Brodie Payne
H. Walter Pierce
S. R. Powell
Arch M. Quarles
R. I. Rice
J. L. Richardson
Lee L. Simons
Reuben E. Skaggs
George W. Smith
Ira D. Smith
R. F. Stewart
Frank L. Strange
H. V. Thompson
Geo. F. Thompson
H. Q. Thompson
D. D. Thornberry
John M. Tinsley
Garnett W. Tolin
N. I. Toombs
Chas. B. Truesdell
John L. Trumbo
Oscar Vest
Geo. C. Waggoner
W. T. Walker
W. S. Wallen
W. D. Watkins
W. G. Wheeler
J. B. Wicker

The reading of the Journal of yesterday's proceedings was dispensed with.

Ordered that a leave of absence be granted Mr. Harvey.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled a bill of the following title, viz.:

H. B. 35. An Act to suppress and prohibit the issuance, distribution, gift, supplying or procuring of trading stamps by any trading stamp company, persons, firms or corporations or merchants and to prohibit the redemption of any trading stamps by any trading stamp company, persons, firms, corporations or merchants and to prohibit the advertisement of issuance, distributiin, gift, supplying or procurance of trading stamps and to prohibit the acceptance of any trading stamps by any person and providing penalties for violations of its provisions.

Thereupon all other business was suspended, the said bill was read at length and compared in open House and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk of this House deliver said enrolled bill to the Governor.

After a time the Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed a bill of the following title, viz.:

S. B. An Act to provide for the election of subdistrict trustees, in county rural school districts, and defining their duties.

Ordered that said bill be printed and referred to the Committee on Rules.

At the instance of Mr. Strange of the Committee on Rules, the following bill was reported with the expression of opinion that same ought to pass.

H. B. 45. An Act relating to divorce and providing means for the University of Kentucky.

Said bill was read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the following bills were permitted to be introduced, viz:

By Mr. Meyers.

H. B. 433. An Act relating to public safety; providing for certain devices to be used in the operation of Motion Picture Machines, and a penalty for the violation of the law.

By Mr. Dixon.

H. B. 434. An Act to amend and re-enact Sec. 11 of Chapter 69 of the Acts of the General Assembly of 1918, entitled: "An Act to suppress, prevent, control and eradicate communicable diseases in live stock; to provide the necessary officers and define their duties, and to appropriate funds necessary for its enforcement, and repealing Sec. 63a of Article 2, Chapter 5, Carroll's 1915 Edition of the Kentucky Statutes."

By Mr. Hamilton.

H. B. 435. An Act to repeal and re-enact Sec. 4239a, Chapter 108, Kentucky Statutes, enacted March 19, 1912, relating to the duties of clerks, sheriffs and other officers under the revenue and taxation laws, and to direct the manner of making up tax books.

By Mr. Cary.

H. B. 436. An Act to amend and re-enact section 9, of Chapter 17, of Acts of 1920 designating centers of construction in Primary System of State Highways.

By Mr. Hamilton:

H. B. 437. An Act relating to the use of the National and State Flags.

By same.

H. B. 438. An Act to amend Section 1 of Chapter 29 of the Acts of 1916, being an Act for the protection of fish, being enacted by the General Assembly of the Commonwealth of Kentucky, and is section 1 of Chapter 29 of the Acts of the General Assembly for the year of 1916.

By Mr. Strange.

H. B. 439. An Act relating to Revenue and Taxation. Providing a method of taxation on persons, firms and corporations engaged in the business of mining coal, and a tax on lands in this Commonwealth from which coal is mined, and prescribing methods of collecting such taxes, and penalties for violations of the law.

By Mr. Boling.

H. B. 440. An Act relating to revenue and taxation; fixing the annual tax rate on coal, and coal leases producing coal, with their equipment, development and operations in and on same, subject to taxation; fixing the date of assessment; prescribing by whom the tax shall be paid; limiting the local rate of ad valorem taxes on such property; providing for the distribution of the fund derived from such taxation; providing for the assessment, equalization, and collection of the tax.

By Mr. Dixon.

H. B. 441. An Act authorizing banks in this Commonwealth to do business as special plan banks, and defining their powers with reference thereto.

By Mr. Hamilton.

H. B. 442. An Act to provide for a progressive tax on direct and collateral inheritances; and to amend Section 4281a of Carroll's Kentucky Statutes, 1915, as amended by an Act entitled: "An Act providing for a progressive tax on direct and collateral inheritances," being Chapter 26 of the Acts of the General Assembly of 1916; and to provide for the distribution of the income from the tax so provided.

By Mr. Lawrence.

H. B. 443. An Act to amend an Act entitled: "An Act relating to roads and bridges and establishing a system of State Highways" and known as Chapter 17 of the Acts of 1920.

By Mr. Payne.

H. B. 444. An Act to amend Section 3 of an Act entitled: "An Act to create the Kentucky Library Commission, to define

its powers and duties, and to provide for its expenses," which Act was approved March 17, 1910.

Said bills were severally read, ordered printed and referred to Committee on Rules.

Mr. Payne moved that a bill entitled:

H. B. 252. An Act to amend Section 3 of an Act entitled: "An Act to create the Kentucky Library Commission, to define its powers and duties, and to provide for its expenses," which Act was aproved March 17, 1910, and to re-enact in lieu thereof the section as amended.

Be arrested in its course to the Governor for approval and that he, as the proponent of said bill, be permitted to withdraw same from the hands of the Committee on Enrollment.

Said motion was agreed to.

Mr. Lawrence moved that this Session of the House be extended indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar bills of the following titles:

H. Res. 14. Resolution in favor of Bryce Cundiff and Jas. H. Johnson.

S. B. 53. An Act to repeal Section 659, Kentucky Statutes, relating to Life Insurance.

H. B. 56. An Act to amend and re-enact subsec. fourteen of article XVIc of Chapter one hundred thirteen, Kentucky Statutes, Carroll's Edition, 1915.

H. B. 57. An Act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

S. B. 58. An Act repealing Sec. 4369 of the Kentucky Statutes, Carroll's Edition, 1918, relating to granting certificates to pupils completing the elementary course of study of county school districts, and in order to simplify the method of granting certificates to pupils completing the elementary course of study of county school districts, be it enacted in lieu of the above the following section, relating to the granting of certificates to pupils completing the elementary course of study of county school districts:

H. B. 343. An Act amending and re-enacting sec. 584, Kentucky Statutes, Carroll's 1915 Edition, relating to deposits in banks, amount to be kept on hand and defining time and demand deposits.

H. B. 297. An Act repealing Sec. 165a, Kentucky Statutes, 1915, and re-enacting the same, relating to banks.

H. B. 296. An Act relating to banks and repealing subsec. 9 of Sec. 165a of Kentucky Statutes and re-enacting the same.

S. B. 94. An Act to prohibit the manufacture, sale, transporation, possession, or other disposition, of spirituous, vinous, malt, or intoxicating liquors, except for sacramental, medicinal, scientific or mechanical purposes; to regulate the manufacture, transportation, sale, ownership, and possession of apparatus designed for the manufacture of spirit-

uous, vinous, malt or intoxicating liquors in the Commonwealth of Kentucky; to regulate the manufacture, sale and transportation of alcohol for non-beverage purposes; to provide a penalty for violation of the provisions of this Act; to impose upon the Commonwealth Attorneys additional duties in the enforcement of this Act, and to provide compensation therefor; concurring on quarterly courts; and the judges thereof, police courts and justices of the peace, concurrent jurisdiction with the Circuit Court in the trial of all offenses under this Act where the punishment does not exceed a fine of three hundred dollars and imprisonment in the county jail not exceeding sixty days, and declaring an emergency to exist.

S. B. 96. An Act making an apropriation for completing the monument on the birthplace of Jefferson Davis at Fairview, Kentucky.

H. B. 150. An Act to continue the existence of the Kentucky Council of Defense for the sole purpose of completing the work of gathering, arranging and preserving the history of Kentucky's part in the World War, making an appropriation for that work, and providing for final disposition of its War Historical Records.

S. B. 158. An Act to provide for the acceptance of the benefits of an Act passed by the Senate and House of Representatives of the United States of America in Congress assembled (H. R. 4438, approved June 2, 1920), entitled: "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, to provide for the administration of same and to make appropriations for such purposes.

H. B. 168. An Act to amend Sec. 110 of Criminal Code Carroll's Edition, 1919.

H. B. 188. An Act pertaining to minerals; requiring certain reports to the State Geologist; fixing the time and place

for filing same; providing for penalties and fees, the disposition of such fees; requiring certain duties of the State Geologist and providing for payment of expenses incident to the proper fulfillment of the duties of the Kentucky Geological Survey hereunder.

H. B. 206. An Act to establish a State Juvenile Court and Probation Commission, prescribing its duties and powers, and providing for the appointment and compensation of employees.

H. B. 228. An Act to create a Commission, to be known as "The Kentucky Child Welfare Commission" and to prescribe its duties and functions.

H. B. 263. An Act relating to organization of and conduct of business by corporations, associations or companies engaged in insuring or guaranteeing burial expenses of persons in this Commonwealth.

H. B. 276. An Act making the town of Burkesville a city of the fifth class.

H. B. 284. An Act for the prevention of fraud and the protection of the public health, relating to milk, cream, skimmed milk, condensed, evaporated, or concentrated milk, powdered milk, dried milk and dessicated milk, ice cream, and their fluid derivatives; prohibiting the introduction of foreign fats into them, regulating the sale of and defining condensed, concentrated and evaporated milk; stipulating penalties for the infraction thereof and providing for the enforcement thereof.

H. B. 302. An Act to appropriate money for the erection of a poultry building on the Kentucky State Fair grounds.

H. B. 307. An Act defining the qualifications for admission or matriculation to medical colleges in this State and providing that certificates or diplomas issued to graduates of medical colleges in this State shall authorize such graduates to practice medicine in this Commonwealth without further examination, provided same is filed with the Secretary of the State Board of Health, and providing further, a penalty for violation of this Act.

H. B. 309. An Act to amend subsec. (c) of section 2, chapter 90, page 415, of the Acts of the General Assembly of 1920, regulating fees for passenger automobiles.

H. B. 344. An Act for the benefit of the West Kentucky Industrial College established at Paducah, Kentucky, making appropriations thereto.

H. B. 373. An Act repealing sec. 3942c, Kentucky Statutes, Carroll's Edition, 1915, and re-enacting same.

H. B. 374. An Act providing for additional supervision and regulation of the transportation of persons and property for compensation, over a public highway by motor propelled vehicle; defining automobile transportation companies; providing for additional supervision and regulation thereof by the State Highway Commission or its successor; providing for the assessment and collection of fees and taxes thereon and providing for the enforcement of the provisions of this Act and for punishment for violations thereof.

S. Res. 22. Joint Resolution covering increased pay for Clerk of Senate and Clerk of House.

H. B. 347. An Act to amend Section 9, Chapter 17, of the Acts of 1920, approved March 16, 1920, relating to the Department of State Roads and Highways.

H. B. 183. An Act relating to public roads and highways.

H. B. 222. An Act to amend and re-enact project No. 11 of section 5 of an Act entitled: "An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department; prescribing laws governing said department; and the officers therein; accepting the provision of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for co-operative work with the United States Government; providing for the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence.

H. B. 209. An Act to amend and re-enact Sec. 5, Chapter 17, of the Acts of the General Assembly of 1920.

H. B. 291. An Act to amend an Act entitled: "An Act relating to roads and bridges" and known as Chapter 17 of the laws of Kentucky for the year 1920.

H. B. 290. An Act to amend the State road law as passed by the General Assembly of 1920 to include that portion of the Dixie Highway from Russellville to the Tennessee line via Adairville, Kentucky; and to include that portion of the Russellville-Clarksville road between Russellville and intersecting the Dixie Bee Line Highway at old Graysville in Todd County, Kentucky.

H. B. 300. An Act adding project No. 51½ to Primary System of State Highways.

H. B. 223. An Act relating to roads and bridges, and amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky of 1920, by adding thereto, as project No. —, extending from Bromley via Sparta to Warsaw.

H. B. 335. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920, as approved by the Governor March 16, 1920, relating to roads and bridges and creating Department of State Roads, Highways, etc., by designating Lebanon, Kentucky, one of the centers of construction in the primary system of State Highways designated in said Act.

H. B. 205. An Act relating to public roads and highways.

H. B. 238. An Act to amend an Act of the General Assembly approved March 16, 1920, and known as Chapter 17 of the bound volume of the Acts of 1920, which Act among other things establishes and designates a primary system of State Highways and provides for their construction and maintenance.

H. B. 140. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920 as approved by the Governor March 16, 1920, relating to roads and bridges and creating Department of State Roads, Highways, etc.

By changing the routing of that portion of the State highway system as named in said Act in project No. 22 which reads "from Lawrenceburg to the Kentucky and Tennessee State Line at Isham, Tennessee, via Harrodsburg, Danville, Stanford, Somerset, Whitley City and Stephen's Mill."

H. B. 70. An Act establishing a road running from Barbourville, Knox County, Kentucky, via London, via Williamsburg, via Bond-Jellico, via Jellico Creek, via Cross Roads, to Pine Knot in McCreary County, as a State Primary Road, and designating said road as Project No. 22A.

H. B. 365. An Act relating to public roads and highways.

H. B. 14. An Act relating to roads and bridges, and amending Chapter 17, Acts of the General Assembly of Kentucky, of 1920, by adding thereto, as Project No. 64, the Gateway to Missouri Highway, extending from Fenton to the Mississippi River, at or near Columbus, via Mayfield and Clinton.

H. B. 259. An Act to amend Section 4651 of Kentucky Statutes. In reference to stock running at large upon the public highways.

H. B. 135. An Act establishing and making the road leading from Independence via White's Tower, Staffordsburg, Kenton Station, Grant's Lick and Claryville to Alexandria a part of the Primary system of State Highways of the Commonwealth of Kentucky, and designating said road as Project No. —.

H. B. 346. An Act establishing and making the road leading from Newport, via Fort Thomas, Melbourne, California and Flag Springs to Caddo, Lenoxburg, Brooksville and Augusta a part of the primary system of State Highways of the Commonwealth of Kentucky, and designating said project as Project No. —.

H. B. 310. An Act to amend Project 37 of Section 5 of Chapter 17 of the Acts of 1920 entitled: "An Act relating to roads and bridges; creating the Department of State Roads

and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department; prescribing laws governing said department and the officers thereof; accepting the provisions of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for cooperative work with the United States Government; providing for the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations, establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing subsections 1, 2, 4, 6 and 7 of Section 4356t, Kentucky Statutes, Edition 1915; also repealing Section 4356u, and subsections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of Section 4356x, Kentucky Statutes, Edition 1915, and the supplement to said edition known as Vol. 3, repealing any other act or acts in conflict herewith.

H. B. 391. An Act relating to roads and highways.

Ordered that said bills be read the second time.

The Constitutional provisions as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. Strange moved that the House do now resolve itself into a Committee of the Whole for the purpose of resuming consideration of a bill entitled:

H. B. 368. (For bill, see House Journal of yesterday.)

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Waggoner as Chairman of the Committee of the Whole.

After a time, the Speaker having resumed the Chair, Mr. Waggoner of the Committee of the Whole House reported progress.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House entitled:

H. B. 96. An Act to authorize the valuation of bonds and other securities held by Life Insurance Companies, Assessment Life Associations and Fraternal Benefit Associations by the Amortization method.

The hour of twelve-thirty having arrived, Mr. Strange moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of one-thirty o'clock having arrived the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed a bill entitled:

S. B. 131. An Act relating to roads and bridges and amending Chapter 17, Acts of the General Assembly of the

Commonwealth of Kentucky, 1920, by adding thereto, as Project No. —, extending from Bromley via Sparta to Warsaw.

Said bill was ordered printed and referred to the Committee on Rules.

Mr. Meyers moved that when the House adjourn today it be to meet on next Monday, February 27, at one o'clock P. M.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Meyers and Boyd were as follows, viz:

Those who voted in the affirmative were—

J. E. Bickett	Ira Jones	J. L. Richardson
J. F. Bosworth	Wright Kelly	Lee L. Simons
Thos. Bowman	S. B. Lane	Reuben E. Skaggs
Chas. Chandler	Oscar Leibson	Ira D. Smith
Lee Clark	Leon P. Lewis	Frank L. Strange
G. Lucien Drury	Martin Light	H. V. Thompson
H. C. Duffy	S. H. Moore	Geo. F. Thompson
Mrs. M. E. Flannery	Harry J. Meyers	John M. Tinsley
H. C. Hawkins	W. T. McGuire	John L. Trumbo
Thos. O. Holder	R. D. McMurtry	Oscar Vest
David J. Howard	Geo. W. Newman	Geo. C. Waggoner
Frank J. Humbert	D. A. O'Donovan	W. T. Walker
R. O. Huntsman	James Park	
J. T. Jennings	S. R. Powell	—40

Those who voted in the negative were—

Berl Boyd	Bryant Green	R. I. Rice
W. R. Button	Ed. A. Gullion	George W. Smith
O. A. Denton	Lester Jeter	R. F. Stewart
G. Givens Dixon	Chas. A. Nelson	W. D. Watkins
A. W. Dorsey	C. C. Oney	W. G. Wheeler
George W. Ellis	Brodie Payne	
Emery L. Frazier	H. Walter Pierce	—19

Mr. Strange moved that the House do now resolve itself into the Committee of the Whole House for the purpose of resuming the consideration of H. B. 368. (For title, see Journal above.)

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Waggoner as Chairman of the Committee of the Whole House.

After a time, the Speaker having resumed the Chair, Mr. Waggoner of the Committee of the Whole House reported progress and also reported that the Committee had refused further consideration of Section 17 of said bill.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled a bill of the following title, viz:

H. B. 52. An Act to amend para. 2 of Section 8 of Chapter 36 of the Acts of the General Assembly, 1920, which Act created a County Board of Education prescribing its duties, fixed the term of office and compensation of its members, provided for the levy of its tax for common school purposes in each county.

Thereupon all other business was suspended, said bill was read at length and compared in open House and the Speaker of the House in open Session and in presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk of this House deliver said bill to the Governor.

After a time the Clerk reported that he had discharged that duty.

Mr. Wheeler moved that Miss Neva Nelson Sutherland be appointed as an Honorary Page for the remainder of the Session.

Said motion was agreed to.

Mr. Strange moved that the House do now adjourn.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Lawrence and Boyd were as follows, viz:

Those who voted in the affirmative were—

J. F. Bosworth	R. O. Huntsman	S. R. Powell
Thos. Bowman	J. T. Jennings	Reuben E. Skaggs
W. R. Button	Ira Jones	Frank L. Strange
Sam A. Cary	Wright Kelly	Geo. F. Thompson
E. B. Cross	Rufus Lisle	D. D. Thornberry
Bryce Cundiff	Harry J. Meyers	John L. Trumbo
H. C. Duffy	Harry B. Miller	Geo. C. Waggoner
Mrs. M. E. Flannery	R. C. Moore	W. S. Wallen
Dr. H. M. Fultz	S. H. Moore	W. G. Wheeler
W. L. Gossett	Ed. P. Murrah	J. B. Wicker
Arch L. Hamilton	D. A. O'Donovan	
Thos. O. Holder	James Park	—34

Those who voted in the negative were—

Berl Boyd	G. Givens Dixon	Ed. A. Gullion
Lee Clark	A. W. Dorsey	George W. Ellis
O. A. Denton	W. D. Duncan	Emery L. Frazier

J. Edgar Hadden	Brodie Payne	Jas. H. Thompson
H. R. Lawrence	H. Walter Pierce	N. I. Toombs
Martin Light	R. F. Stewart	Oscar Vest
C. D. McCaw	John M. Tinsley	W. T. Walker
C. C. Oney	Garnett W. Tolin	W. D. Watkins

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And then the House adjourned.

MONDAY, FEBRUARY 27, 1922.

The House was opened with prayer by the Rev. Roger T. Nooe, pastor of the First Christian Church of Frankfort.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams	W. L. Gossett	R. C. Moore
B. C. Beckmann	Bryant Green	S. H. Moore
J. E. Bickett	Ed. A. Gullion	B. A. Muster
J. F. Bosworth	J. Edgar Hadden	C. D. McCaw
Thos. Bowman	Arch L. Hamilton	W. T. McGuire
Berl Boyd	Oscar P. Harvey	E. E. Nelson
John E. Brown	Thos. O. Holder	Chas. A. Nelson
W. R. Button	Frank J. Humbert	Geo. W. Newman
Sam A. Cary	R. O. Huntsman	D. A. O'Donovan
Lee Clark	J. T. Jennings	C. C. Oney
E. B. Cross	Lester Jeter	Brodie Payne
Bryce Cundiff	Ira Jones	James Park
J. C. Day	Wright Kelly	H. Walter Pierce
O. A. Denton	S. B. Lane	Arch M. Quarles
A. W. Dorsey	H. R. Lawrence	R. I. Rice
G. Lucien Drury	Oscar Leibson	Arthur Saunders
H. C. Duffy	Leon P. Lewis	David I. Scott
W. D. Duncan	Rufus Lisle	Lee L. Simons
George W. Ellis	C. C. May	Reuben E. Skaggs
Mrs. M. E. Flannery	Harry J. Meyers	George W. Smith
Emery L. Frazier	Harry B. Miller	Ira D. Smith
Dr. H. M. Fultz	Claude D. Minor	R. F. Stewart

Frank L. Strange	Garnett W. Tolin	W. T. Walker
H. V. Thompson	N. I. Toombs	W. S. Wallen
Geo. F. Thompson	John L. Trumbo	W. D. Watkins
H. Q. Thompson	Fred C. Vanhoose	W. G. Wheeler
D. D. Thornberry	Oscar Vest	J. B. Wicker
John M. Tinsley	Geo. C. Waggoner	

The reading of the Journal of yesterday's proceedings was dispensed with.

Ordered that a leave of absence be granted Messrs. Richardson and S. G. Thornberry.

Mr. Wheeler offered the following Resolution, viz:

Whereas, the Honorable John B. Gaines, editor of the Park City Daily News of Bowling Green, for many years was a leader in work for the advancement of the State and was one of Kentucky's best known and best loved citizens and it has pleased the hand that rules all mankind to call him from our midst, now,

Therefore, be it resolved, That the Kentucky House of Representatives extend to the family of the Honorable John B. Gaines its sincerest condolence and that when this session adjourns today it be in honor of this distinguished Kentuckian, and that the Clerk of this House be instructed to spread a copy of this resolution on the minutes and send a copy to his family.

Said Resolution was adopted.

Mr. Greene offered the following Resolution, viz:

Whereas, the Federal Government, has from time to time, enacted laws making sundry appropriations of moneys to the several States for various purposes upon condition of like appropriations by the States in aid of such purposes; and

Whereas, the burden of taxation resulting from meeting such Federal appropriations has become grieviously heavy, and an increasing number of Kentucky citizens have indicated their unwillingness to be so taxed as well as their disapproval of Federal control of State expenditures consequent upon the acceptance of Federal appropriations; now, therefore, be it resolved,

By the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That we condemn this form of Federal appropriations, except for aid to roads, and request the Senators and Representatives of the State of Kentucky in Congress to use their influence to prevent further Federal legislation of this kind and instruct the Chief Clerk of this House to forward copies of this resolution to the Kentucky delegation in Congress.

Said Resolution was adopted.

The yeas and nays being required thereon by Messrs. Bosworth and Huntsman were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Ed. A. Gullion	Arthur Saunders
B. C. Beckmann	J. Edgar Hadden	Lee L. Simons
J. E. Bickett	Arch L. Hamilton	George W. Smith
Berl Boyd	S. B. Lane	Ira D. Smith
John E. Brown	H. R. Lawrence	R. F. Stewart
Lee Clark	Martin Light	Frank L. Strange
Bryce Cundiff	C. C. May	Garnett W. Tolin
O. A. Denton	R. C. Moore	N. I. Toombs
A. W. Dorsey	S. H. Moore	Oscar Vest
G. Lucien Drury	B. A. Muster	W. T. Walker
H. C. Duffy	C. D. McCaw	W. S. Wallen
George W. Ellis	W. T. McGuire	W. D. Watkins
Mrs. M. E. Flannery	Chas. A. Nelson	W. G. Wheeler
Emery L. Frazier	C. C. Oney	J. B. Wicker
W. L. Gossett	H. Walter Pierce	
Bryant Green	R. I. Rice	—46

Those who voted in the negative were—

J. F. Bosworth	R. O. Huntsman	Brodie Payne
Thos. Bowman	J. T. Jennings	Arch M. Quarles
Sam A. Cary	Ira Jones	David I. Scott
E. B. Cross	Wright Kelly	Reuben E. Skaggs
J. C. Day	Oscar Leibson	Geo. F. Thompson
W. D. Duncan	R. D. McMurtry	John M. Tinsley
Dr. H. M. Fultz	E. E. Nelson	Chas. B. Truesdell
Oscar P. Harvey	Geo. W. Newman	John L. Trumbo
Thos. O. Holder	D. A. O'Donovan	Fred C. Vanhoose
David J. Howard	James Park	Geo. C. Waggoner

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Mr. Waggoner moved that when the House adjourn today, it be out of respect to and in sympathy for Mr. Vanhoose on account of the recent death of his brother.

Said motion was agreed to.

Mr. Quarles offered the Petition of the Kentucky Chapter of War Mothers, urging a sufficient amount to the Budget of the Kentucky University to cover all expenses necessary for caring for the Ex-service Men taking vocational training.

Ordered that said Petition be referred to Committee on Rules.

Mr. Simons of the Committee on Rules reported the following bills with the expression of opinion that they should pass.

H. B. 431. An Act to amend project No. 58¾ of section 5 of an Act entitled: "An Act relating to roads and bridges, etc.." which is chapter 17 and became a law March 16, 1920, and the title to said Act which reads as follows:

"An Act relating to roads and bridges; creating the

Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department; prescribing laws governing said department and the officers therein; accepting the provisions of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for co-operative work for the United States Government; providing for the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing subsections 1, 2, 4, 5, 6 and 7 of Section 4356t, Kentucky Statutes, Edition 1915; also repealing section 4356u and subsections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 of Section 4356x, Kentucky Statutes, Edition 1915.

H. B. 432. An Act to amend project No. 61 of Section 5 of an Act entitled: "An Act relating to roads and bridges and etc.," which is chapter 17 and became a law March 16, 1920, and the title to said Act which reads as follows:

An Act relating to roads and bridges, creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers, fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department and the officers therein. Accepting the provisions of the Federal law providing that the United States shall assist in the construction of the rural post roads and making appropriation for co-operative work with the United States

Government. Providing the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for and obtaining the rights of way and naming cities and towns from which construction shall commence; and repealing subsection 1, 2, 4, 5, 6 and 7 of Section 4356t, Kentucky Statutes, Edition 1915; also repealing Section 4356u and subsections 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of Section 4356x, Kentucky Statutes, Edition 1915, and the supplement to said edition known as Vol. 3 repealing all and any other Act or Acts in conflict herewith.

H. B. 433. An Act relating to Public Safety; providing for certain devices to be used in the operation of Motion Picture Machines, and a penalty for the violation of the law.

H. B. 434. An Act to amend and re-enact Section 11 of Chapter 69 of the Acts of the General Assembly of 1918, entitled: "An Act to suppress, prevent, control and eradicate communicable diseases in live stock; to provide the necessary officers and define their duties, and to appropriate funds necessary for its enforcement, and repealing Section 63a of Article 2 of Chapter 5, Carroll's 1915 Edition of Kentucky Statutes."

H. B. 435. An Act to repeal and re-enact section 4239a, Chapter 108, Kentucky Statutes, enacted March 19, 1912, relating to the duties of clerks, sheriffs and other officers under the revenue and taxation laws, and to direct the manner of making up tax books.

H. B. 436. An Act to amend and re-enact section 9 of Chapter 17 of Acts of 1920, designating centers of construction in Primary System of State Highways.

H. B. 437. An Act in relation to the use of the National Flag and State Flag.

H. B. 438. An Act to amend Section 1 of Chapter 29 of the Acts of 1916 being an Act for the protection of fish, being enacted by the General Assembly of the Commonwealth of Kentucky, and is Section 1 of Chapter 29 of the Acts of the General Assembly for the year 1916.

H. B. 439. An Act relating to revenue and taxation. Providing a method of taxation on persons, firms and corporations engaged in the business of mining coal, and a tax on lands in this Commonwealth from which coal is mined, and prescribing methods of collecting such taxes, and penalties for violations of the law.

H. B. 440. An Act relating to revenue and taxation, fixing the annual tax rate on coal and coal leases producing coal with their equipment, development and operations in and on same, subject to taxation, fixing the date of assessment, prescribing by whom the tax shall be paid, limiting the local rate of ad valorem taxes and such property, providing for the distribution of the fund derived from such taxation, providing for the assessment, equalization and collection of the tax.

H. B. 441. An Act authorizing banks, organized in this Commonwealth, to do business as special plan banks and defining their powers with reference thereto.

H. B. 442. An Act to provide for a progressive tax on direct and collateral inheritances and to amend section 4281a of Carroll's Kentucky Statutes, 1915, as amended by an Act entitled: "An Act providing for a progressive tax on direct and collateral inheritances," being chapter 26 of the Acts of the General Assembly of 1916 and to provide for the distribution of the income from the tax so provided.

H. B. 443. An Act to amend and act entitled: "An Act relating to roads and bridges and establishing a system of State Highways and known as Chapter 17 of the Acts of 1920."

H. B. 444. An Act to amend Section 3 of an Act entitled: "An Act to create the Kentucky Library Commission, to define its powers and duties, and to provide for its expenses," which Act was approved March 17, 1910.

H. B. 383. An Act to amend subsec. 3 of section 331e, Kentucky Statutes, Carroll's 1915 Edition.

H. B. 384. An Act to amend and re-enact sec. 1199, Kentucky Statutes, Carroll's Edition of 1915, providing punishment for receiving stolen goods.

H. B. 417. An Act establishing a road to run from Harlan, in Harlan County, Kentucky, via the Pine Mountain Settlement School in Harlan County, to Hyden, in Leslie County, as a State Primary road, and designating said project as Project No. 56A.

H. B. 415. An Act to repeal laws that traverse of Sabbath breaking.

H. B. 330. An Act establishing a road to lead from Harrison, in Lewis County, via mouth of Laurel Creek, via Rooney, Carter County, via Hitchens, in Carter County, via Willard, in Carter County, to Webbville, in Lawrence County, as a State Primary Road, and designating same as Project No. 43A.

H. B. 226. An Act to amend Chapter 17 of the Acts of 1920, approved March 16, 1920, relating to roads and bridges creating the Department of State Roads and Highways.

H. B. 325. An Act to amend and re-enact section 110 of Code of Practice in criminal cases relating to the presence of persons before the Grand Jury.

H. B. 380. An Act to regulate the manufacture and sale of Foods and Drugs and providing penalties for violations thereof; repealing, amending and re-enacting that portion of Chapter 65 of the Acts of the General Assembly of 1918, the same being Chapter 63, Article IV, Section 2060, subsec. 2060a-1 to 2060a-18, of Carroll's Kentucky Statutes of 1918, relating to Pure Food and Drug Inspection and Regulations; and reapportioning and appropriating funds to carry out the provisions of this Act.

H. B. 387. An Act to amend and re-enact Chapter 93 of the Acts of the General Assembly, of the Commonwealth of Kentucky, of 1920, entitled:

"An Act relating to revenue and taxation, requiring an excise or license tax to be paid on all gasoline sold at retail in this State, and requiring any person engaging in business of selling gasoline at retail to pay said tax for the privilege of engaging in said business; providing the manner of collecting said tax, requiring reports and fixing fines and penalties for violations of the Act."

H. B. 388. An Act to amend an Act relating to revenue and taxation, and entitled: "An Act relating to revenue and taxation, creating a State Tax Commission, providing for the appointment, qualification and term of office of its members, prescribing its powers and duties, appropriating money therefor, providing for the assessment of property for taxation, and the supervision and equalization of assessments, and prescribing the powers and duties of county clerk, county tax commissioners, sheriffs, collectors, Railroad Commission, Auditor of Public Accounts, and other officers performing some duty

in reference to the taxation of property, creating county boards of supervisors, a State Board of Equalization and a State Board of Valuation and Assessment, and defining their powers and duties, prescribing penalties, and repealing existing statutes.

H. B. 411. An Act to amend and re-enact Sec. 1938a-2 of Carroll's Edition of the Kentucky Statutes, which same is a section of the Acts of the General Assembly, passed in 1916, relating to Game and Birds.

H. B. 385. An Act to amend Section 3382 of Carroll's Kentucky Statutes, 1915, by changing the time of the appointment of the Board of Tax Supervisors for cities of the Third Class.

H. B. 427. An Act to amend an Act entitled: "An Act relating to roads and bridges" and being Chapter 17 of the Acts of 1920.

H. B. 428. An Act providing for the condemnation of land by Electric Light and Power Companies.

H. B. 340. An Act to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven fabrics purporting to contain wool and in garments or articles of apparel made therefrom manufactured, sold, or offered for sale, in the State of Kentucky, requiring the labeling of all cloth, fabric, garments or articles of apparel and providing punishment for violation of this Act.

H. B. 81. An Act relating to the government of cities of the first class; abolishing the Board of Public Safety of cities of the first class; as now constituted and existing; abolishing the term of office of the members of said Board as now existing

and all officers, assistants and employes thereunder; creating a Commission in cities of the first class to be known as the Police and Fire Commission and defining its powers and duties; providing the method of appointing the members of said Fire and Police Commission and the filling of vacancies in its membership; providing for the appointment of a Chief of Police and Chief of Fire Department; providing for the appointment and removal of officers, assistants and employes under said Police and Fire Commission; fixing the salary of the members of said Police and Fire Commission and regulating the fixing of the salary of all officers, assistants and employes thereunder and providing the manner of payment; authorizing said Police and Fire Commission to take over and discharge all the powers and duties now imposed by law on the Board of Public Safety as now existing, and to do all things necessary to fully carry out all provisions of the law relating to police and fire protection and other matters now under the control and directions of the Board of Public Safety, including the provisions of this Act and all other laws relating either directly or indirectly to matters now under the control and directions of the Board of Public Safety as now existing in cities of the first class and repealing all laws and parts of laws in conflict with this Act.

S. B. 208. An Act for the benefit of the Home for Incurables.

S. B. 88. An Act to amend Sec. 1159, Kentucky Statutes, Carroll's 1915 Edition, relating to burglary and robbery.

S. B. 216. An Act to amend and re-enact subsec. 9 of Section 3490 of the Kentucky Statutes relating to the construction of Sewers in the streets, alleys and highways, in cities of the Fourth Class.

S. B. 72. An Act to enable counties containing therein

cities of the first class, and such cities, jointly, to acquire, construct, furnish, equip and maintain tuberculosis hospitals in such counties, for the care, maintenance, and treatment of persons afflicted with tuberculosis, agreeably to the provisions of Section 3037c, Kentucky Statutes, Carroll's Edition of 1915, providing for the creating, in such counties, of a "Board" of Tuberculosis Hospitals and for the maintenance of such hospitals.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

Mr. Lawrence moved that this Session of the House be extended indefinitely.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 200. An Act to repeal section 1, section 2 and section 3 of Chapter 36 of the Acts of the General Assembly of 1920, relating to the election and qualification of members of county boards of education and providing for the selection of a treasurer thereof, and to enact in lieu thereof the following sections providing for a system by which the county district may be divided into five divisions as nearly equal in population as practicable, and for the election of one member of the county board of education from each such division, and fixing the manner and time of the election, the term of office, and the jurisdiction of the county board so elected, and providing for the selection of a treasurer thereof:

S. B. 223. An Act to amend subsection 7 of section 1019a of the Act approved February 27, 1920, the same being Chapter 2 of the Acts of the General Assembly of the Common-

wealth of Kentucky at its 1920 session, entitled: "An Act to amend subsec. 7 of sec. 1019a of the Act approved March 29, 1902, entitled: 'An Act to provide for stenographic reporters for courts of continuous session.' "

Said bills were ordered printed and referred to Committee on Rules.

That they had passed a bill of the following title, which originated in this House, viz:

H. B. 51. An Act to amend Section 244 of the criminal code of practice, sixth edition, 1919, edited by Hon. John D. Carroll, relating to separation of juries made up of both sexes on the trial of felonies and misdemeanors and providing for officers in charge to be of like sex.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

By unanimous consent the following bills were introduced, viz:

By Mr. Stewart.

H. B. 445. An Act to amend an Act entitled: "An Act relating to public schools in the State of Kentucky and known as Chapter 113 of the Kentucky Statutes."

By Mr. Beckmann.

H. B. 446. An Act relating to revenue and taxation in cities of the first class.

By Mr. Duffy.

H. B. 447. An Act to amend and re-enact section 4223b-1, subdivision 111a, article XII, chapter 108, Carroll's Statutes, volume 111, 1918 Edition.

By Mr. Lawrence.

H. B. 448. An Act to amend the Constitution of the Commonwealth of Kentucky by adding thereto Sec. 412, relating to the time the General Assembly shall remain in Session and the introduction and passage of Acts and Resolutions.

By Mr. Hamilton.

H. B. 449. An Act authorizing county Boards of Education to issue bonds for the purpose of providing funds for purchasing grounds and constructing buildings for school purposes.

By Mr. Meyers.

H. B. 450. An Act to ament and re-enact Section 861 of the Kentucky Statutes, 1918 Supplement, and being also Section 861, Chapter 144, of the Acts of 1920, entitled: "An Act to amend Sections 854 to 878, both inclusive, of the Kentucky Statutes of 1915 compiled by the Hon. John D. Carroll, and to regulate the organization, incorporation, operation and management of building and loan associations, creating the department of Building and Loan Associations in the office of the Banking Commissioner and providing for the appointment of examiners and prescribing their duties and for the examination of all building and loan associations organized and doing business under the laws of this Commonwealth" and to provide that building and loan associations may borrow money for purposes not inconsistent with the objects of such

Associations and to authorize the directors of such associations to cause the interest bearing obligation or obligations of the association to be issued therefor and to further provide that for purpose of making loans upon real estate the directors of such association shall have authority to cause to be issued bonds and to deposit real estate notes of double amount of bonds issued as security with power to the association to change such notes so deposited and substitute in lieu thereof other notes of same or greater amount and to limit the amount which such associations may borrow.

Ordered that said bills be printed and referred to Committee on Rules.

The House took up for consideration from the Calendar a bill of the following title, viz:

H. B. 45. An Act relating to divorce, and providing means for the University of Kentucky.

Ordered that said bill be read the second time.

The Constitutional provisions as to the second reading of said bill at length being dispensed with, it was read the second time by its title.

Ordered that said bill be placed in the Orders of the Day.

Mr. Nelson moved that further consideration of a bill entitled:

H. B. 368. An Act appropriating money for the operation of various departments, boards, commissions, institutions and agencies of the State Government, except for the legislative and judicial departments and except for the common schools, for the fiscal year ending June 30, 1923; designating

the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

Be postponed and that said bill be made a Special Order for Friday, at eleven o'clock A. M.

Said motion was agreed to.

At the instance of the Rules Committee, the House took for consideration from the Orders of the Day a bill entitled:

H. B. 244. An Act to amend Section 145 of the Constitution.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That upon the concurrence of three-fifths of all members elected to each house, the ayes and nays being taken thereon and entered in full in their respective journals:

First. That section 145 of the Constitution be and it is hereby amended and revised by striking out the word "male," being the second word in said section, following the word "every," and preceding the word "citizen," and by adding the words "or she," following the word "he," and preceding the word "offers," so that the said section as amended will read as follows:

Every citizen of the United States of the age of twenty-one years, who has resided in the State one year, and in the county six months, and the precinct in which he or she offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote:

1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery, in an election, or of such high misdemeanor as the General Assembly may declare, shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by executive pardon.

2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

3. Idiots and insane persons.

Second. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky, and under Section 1459 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1914.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	A. W. Dorsey	Arch L. Hamilton
B. C. Beckmann	G. Lucien Drury	Oscar P. Harvey
J. E. Bickett	W. D. Duncan	David J. Howard
Berl Boyd	George W. Ellis	Frank J. Humbert
John E. Brown	Mrs. M. E. Flannery	Lester Jeter
Lee Clark	Emery L. Frazier	Wright Kelly
E. B. Cross	Dr. H. M. Fultz	S. B. Lane
Bryce Cundiff	W. L. Gossett	H. R. Lawrence
J. C. Day	Bryant Green	Oscar Leibson
O. A. Denton	Ed. A. Gullion	Martin Light

Rufus Lisle	Brodie Payne	John M. Tinsley
C. C. May	H. Walter Pierce	Garnett W. Tolin
Harry J. Meyers	Arch M. Quarles	N. I. Toombs
R. C. Moore	R. I. Rice	Chas. B. Truesdell
S. H. Moore	Arthur Saunders	Fred C. Vanhoose
B. A. Muster	David I. Scott	Oscar Vest
W. T. McGuire	Lee L. Simons	Geo. C. Waggoner
R. D. McMurtry	Reuben E. Skaggs	W. T. Walker
E. E. Nelson	George W. Smith	W. S. Wallen
Chas. A. Nelson	Ira D. Smith	W. D. Watkins
D. A. O'Donovan	R. F. Stewart	W. G. Wheeler
C. C. Oney	Geo. F. Thompson	J. B. Wicker
James Park	H. Q. Thompson	—68

Resolved that the title thereof be as aforesaid.

Mr. Adams moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 3. An Act to repeal Chapter 38 of the Acts of the General Assembly of 1920, relating to the election and qualification of members of boards of trustees in graded common school districts; also Chapter 46 of the Acts of the General Assembly of 1920, relating to the establishment of independent, consolidated, graded and high schools; also Chapter 25 of the Acts of the General Assembly of 1920, relating to the condemnation of land by boards of trustees of graded common school districts, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 38 of the Acts of the General Assembly of 1920, relating to the election and qualification of mem-

bers of boards of trustees in graded common school districts be and the same is hereby repealed; also Chapter 46 of the Acts of the General Assembly of 1920, relating to the establishment of independent, consolidated, graded and high school; also Chapter 25 of the Acts of the General Assembly of 1920, relating to the condemnation of land by boards of trustees of graded common school districts; also Section 4464, Section 4500, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the management and control of graded common school districts, be and the same are hereby repealed; and in lieu thereof are now enacted the following sections to be known and designated as:

Section 4464. Each graded common school district organized and incorporated at the time this Act goes into effect shall be under the management and control of a board of trustees.

Section 4465. The board of trustees of each graded common school district shall consist of five (5) members, who shall be elected at large from the qualified voters of the graded common school district, as hereinafter provided for terms of three (3) years, beginning with the second Saturday of May following their election, and shall hold office until their successors are elected and qualified. Members of boards of trustees shall qualify by taking the oath prescribed for public offices under Section 228 of the Constitution of the State. Failure to qualify within seven (7) days after election shall constitute a vacancy.

Graded common school district trustees shall be chosen solely because of their fitness and shall be eligible for re-election unless otherwise disqualified by the provisions of this section. No person shall be elected to or serve on this board who is in any way subject to its authority, and no member shall enter into business transactions for personal gain with this board.

Members of boards of trustees of graded common school districts shall be elected on the first Saturday of May in each

year, the number to be elected each year for the full term of three (3) years to be determined by the number of regular vacancies to be filled.

If at any time there should be a vacancy in said board, the same shall be filled by election by the remaining members, and the person elected to fill such vacancy shall hold office until the next regular election of trustees when his successor shall be elected to fill out the unexpired term.

All graded common school district elections shall be provided for by the trustees of the district in office at the time for the particular election. The board of trustees shall appoint the officers to hold all elections. These officers shall take an oath to be under the same responsibilities and subject to the same penalties as the officers holding State or county elections, but they shall make returns of poll books and certify the result of the elections to the board of trustees who shall examine and compare the same and issue certificates to the persons found to be elected.

On presentation of evidence by the Superintendent of Public Instruction that any member of a board of trustees is not capable of discharging, or is not discharging his duty, or is guilty of immoral or disreputable conduct, the remaining members of the board of trustees shall hear evidence in the case, making known to the defendant in writing the charges against him, and give him an opportunity to be heard in person or by counsel and to present witnesses in his own defense upon not less than ten (10) days' notice. If, after careful investigation, the board of trustees shall find sufficient cause for removal, it shall declare the office of the respective member vacant at once and the vacancy shall be filled as heretofore provided in this section.

Members of boards of trustees shall receive no compensation for their services.

Section 4466. The board of trustees of a graded common school district shall be named and styled: "The Board of Trustees of the ———— Graded Common School Dis-

trict," and in that name may sue and be sued, contract and be contracted with, and may acquire and hold by purchase, gift, devise or otherwise, and dispose of and convey, any real or personal estate, goods and chattels, necessary and convenient for the use and purposes of such graded common school district; and the title of all such property shall vest in said board of trustees and their successors in office, to be held sacred for the use and benefit of said graded common school district. The board of trustees of any graded common school district is authorized and empowered to condemn any land deemed necessary by said board for a site for a graded common school, not exceeding ten (10) acres, in the manner now provided by law for condemning land for railroad purposes.

Section 4467. The office of the board of trustees of each graded common school district shall be in the principal school building of the district unless otherwise adequately provided for. The board of trustees shall hold its annual meeting each year in its office on the second Saturday of May. At this meeting the board shall each year elect one of its members to act as president, one to act as vice president, and one to act as secretary, and shall fix the time and place of its regular meetings which shall be duly advertised. Such special meetings may be called at such times as the duties and business of the board may require. The rules generally adopted by deliberative bodies for their government shall be observed by boards of trustees, but no motion or resolution shall be declared adopted without the concurrence of a majority of the whole board.

The secretary of the board shall conduct all correspondence of the board, issue calls for all meetings on the order of the president, prepare the docket or calendar of the same, keep the minutes of the proceedings, preserve in the office of the board all its records, make all reports required of the board, receive all reports required by it, seeing that they are in proper form, complete, and accurate; and shall perform such

other secretarial duties as may be imposed by the board or as may hereinafter be imposed by the provisions of this Act.

Section 4468. Each board of trustees shall appoint a treasurer, but said treasurer shall not be a member of the board. Before entering upon his duties, the treasurer shall file with the board a bond to be paid for by the board in amount to be determined by it as surety for the faithful performance of his duties. Said bond shall be guaranteed by a personal security or a surety company authorized to do business in the State, and made payable to the respective board of trustees. The bond shall provide that as treasurer of the respective board he will faithfully perform the duties of his office, receive all moneys to which the respective board is entitled by the Constitution of the State, or by Statute, or which may in any way come into its possession; hold all such moneys as a separate fund in his hands; and pay over all such moneys to such persons and in such manner as said board may under the provisions of this Act direct; and that he will keep full and complete accounts in such manner and make such reports thereon as the State Board of Education and the respective board of trustees may require; that he will preserve all records relating to the transactions and duties of his office, and turn all public school funds in hand and all accounts and records, after due and proper audit by a competent outside agent, if required by said board, to his successor. The expense of such audit shall be paid by the board of trustees.

The treasurer of the board of trustees shall pay out school funds only on appropriate written orders signed by the president and secretary of the respective board of trustees.

Section 4469. No new graded common school district shall hereafter be created or organized, unless 100 pupil children reside therein.

Provided further that no graded common school district shall hereafter operate independent of the county school system that has a school census of less than seventy-five (75)

census pupil children; or that does not maintain an elementary school with a minimum term of eight (8) months, and a high school with a minimum term of eight (8) months which meets state standards as to the number and qualification of teachers; but any graded common school district may elect to pay the tuition of all pupils residing in the graded school district who are eligible and who enter any other public high school which maintains a course of study required by law and which has been approved by the State Board of Education.

When the board of trustees of a graded common school district fails to conduct and manage the schools under its jurisdiction and authority according to the provisions as stated in the preceding paragraph, the State Board of Education, after due notice to the board of trustees of such failure and lapse of ample time for the board of trustees to make the needed and necessary improvements in said schools, shall declare the given graded common school districts with existing metes and bounds, abolished, and shall create therefrom a subdistrict of the given county system to be under the jurisdiction of the county board of education of the county in which the given graded common school district is located. Record of such action shall be copied in triplicate; one copy shall become a part of the permanent records of the State Board of Education; one copy shall be sent to the board of trustees of the graded common school district abolished, and filed by said trustees among its permanent records; and one copy shall be sent to the county board of education of the county in which the graded common school district abolished is located, and shall be filed among its permanent records.

When a graded common school district is thus abolished and a subdistrict of the county system is created therefrom, all property belonging to, possessed and held in the corporate name of the given board of trustees of the graded common school district abolished, shall pass to and be possessed and held in the corporate name of the county board of education of the county in which the graded common school district

abolished is located. The county board of education shall, after due and proper audit, possess all funds on hand or to be collected, and shall assume all responsibilities, financial or otherwise, lawfully entered into by contract, or otherwise, by the board of trustees of the graded common school district abolished.

And provided further, on petition to the graded school board of forty per cent of the legal voters in any graded common school district, asking that their graded school district be made a part of the county school system, it shall be the duty of the graded school board to call a meeting of the board within one week from the time the petition has been received, and to make an order which shall be recorded in the minutes of the board, for holding an election for the purpose of determining whether it is the will of the legal voters in the graded common school district that their graded common school district be made a part of the county school system, and shall designate two citizens residing within the graded school district to act as election officers in said election. The election shall be held in exactly the same manner as elections of graded school board members are held, and at the school building; provided that such election may not be held earlier than twenty days from the date of such order. It shall be the duty of the graded school board to advertise at least ten days before said election the date and the place and the purpose of holding such an election by posting notices to this effect in conspicuous places in various portions of the graded school district. The majority of the votes cast shall determine whether or not the graded common school district shall be made a part of the county school system.

Section 4470. All graded common school districts other than those in cities of the first, second, third and fourth class, operating under special laws or special charters, shall when this Act goes into effect cease to operate under their respective special laws or special charters and shall thereafter operate under the provisions of this Act. Provided that boards

of trustees or other managing authorities in such graded common school districts in office when this Act goes into effect, in other than those in first, second, third, and fourth class cities, shall continue to serve until the next regular election of boards of trustees as provided in Section 4464 of this Act. Provided further that at the first election under the provisions of Section 4464 of this Act, one trustee shall be elected for one year, two for two years, and two for three years, thereafter regular election shall be for the full term of three years.

All graded common school districts in cities of the first, second, third and fourth class, operating under special charters or special laws, shall when this Act goes into effect cease to operate under their respective special laws or special charters, and shall thereafter operate under the general laws governing the management and conduct of the common schools in cities of their respective classes. Provided that the board of trustees or other managing authorities in such graded common school districts shall serve until the next regular election of members of boards of education in first, second, third and fourth class cities. Provided further that the first election in such graded common school districts under the general school laws governing the management and conduct of common schools in first, second, third and fourth class cities shall conform to the provisions of the respective general city school laws for the first election of members of boards of education.

Section 4471. Boards of trustees shall, subject to the provisions of this Act and the rules and regulations of the State Board of Education, prescribe rules and regulations for the control, government and management of the common schools under their jurisdiction.

Section 4472. Boards of trustees shall appoint for the schools under their respective jurisdiction a principal and all teachers, fix their compensation, and dismiss them for immorality, misconduct, incompetency, insubordination, or wilful neglect of duty. Provided that in each case the charge be made in writing and that the principal or teacher be given

opportunity on not less than ten (10) days' notice to be heard in person or by counsel and to present witnesses in defense. Provided further that no principal or teacher shall be employed who does not hold the kind and grade of certificate required by law and issued by the State Board of Education.

Section 4473. Boards of trustees shall, subject to the provisions of this Act and the rules and regulations of the State Board of Education, prescribe the studies to be taught and the course of study to be used in the schools under their jurisdiction.

Section 4474. All white children of common school age residing in any graded common school district shall have the right to attend the graded common school thereof.

The trustees may admit into said graded common school children who do not reside within the said district, or persons over the common school age, on such terms and conditions, and upon the payment of such tuition and other fees as they may deem proper.

Section 4475. Whenever it becomes desirable on account of geographical or other conditions to establish a consolidated school, composed of a graded common school and other adjoining common school subdistrict or subdistricts, the board of trustees of such graded common school shall have authority to enter into contract with the county board of education of the county in which said graded common school district is located, to establish, operate and maintain such consolidated school. The contract when made shall be in writing, and shall stipulate in full and complete terms, the number of years such contract shall exist, the employment of teachers, the arrangements of the course of study, and all other arrangements necessary to the successful conduct of such consolidated school.

The expense of the transportation of pupils to and from such consolidated school may be provided for jointly by the graded common school, and the subdistrict annexed or by the subdistricts alone.

The tax for the transportation of pupils by the subdistricts concerned shall be voted, levied and collected in the same way and at the same time that other consolidated schools vote, levy and collect a tax for the same purpose.

Section 4476. Boards of trustees of graded common school districts are hereby authorized and empowered to levy each year not later than the last Saturday in June, a tax for establishing, maintaining and operating the common schools of their respective districts, at a rate not less than twenty-five cents (25c) and not to exceed one dollar and twenty-five cents ($1.25) upon each one hundred dollars ($100.00) of taxable property within the district and owned by white persons; and, also, a poll tax on each white male inhabitant within the district over twenty-one (21) years of age, not exceeding two dollars ($2.00); and shall, also levy a sufficient amount to provide for the payment of interest and for sinking fund purposes for the next fiscal year, and the tax accruing from so much of said levy as is made for the payment of interest and sinking fund purposes shall be by said board of trustees at once irrevocably set aside and used for these purposes and not otherwise; and said interest and sinking fund provisions as above provided shall include the interest and the sinking fund for the entire outstanding bonded indebtedness of said board.

The tax so imposed shall be collected on the assessed value of the property in the district as ascertained by the assessment for State and county purposes next preceding the collection of the tax.

Said board of trustees shall elect a collector of taxes, who shall give good and sufficient bond to said board and who shall be allowed a fee not in excess of 4 per cent on all funds collected. Provided, however, that if the said board of education selects the sheriff as the collector of taxes, it shall be his duty to act as such collector, at same fees as above provided.

Before entering upon his duties as collector, the treasurer which may be elected by the board shall give to each

board of trustees a bond, in amount agreeable to the respective board of trustees and guaranteed by some surety company authorized to do business in the State, or good personal security, for the faithful performance of his duties. Said bond shall be paid for by the respective board of trustees.

The treasurer as collecting officer shall settle his accounts with the board of trustees on or before the first Monday of January each year, and boards of trustees may require him to settle his accounts monthly.

Section 4477. If the tax levied under the provisions of Section 4476 of this Act is not sufficient to provide suitable grounds, buildings and equipment, boards of trustees are hereby authorized and empowered to order an election and submit to the voters of their respective graded common school districts the question whether or not the trustees thereof shall issue bonds of their respective graded common school districts, in any amount not exceeding the limit provided by Sections 157 and 158 of the present Constitution of this State, for the purpose of providing suitable grounds, school buildings, furniture and apparatus for their respective graded common school districts; Provided, that due notice of said election shall be given by the trustees of their respective districts, by written or printed posters not less than one foot square, signed by the trustees of their respective districts, stating the time, place and hours of the said election, posted at not less than six public, conspicuous places in the district for ten days previous to the day of election, and by one insertion thereof in the newspaper, if any, published in said district.

The board shall appoint two judges, a clerk and a sheriff to hold such election, who shall be first sworn before acting and shall be housekeepers and taxpayers, resident in the district for which they are appointed, and one of the judges shall ask of each voter: "Are you in favor of the issue of bonds by the trustees of the graded common schools of this district, for the purpose of providing suitable grounds, school buildings, furniture and apparatus for this district?" and

the clerk shall record the answer "Yes" or "No" as given by the voter. If two-thirds of the voters voting at said election vote in favor of the issue of the bonds, then the trustees of such graded common school may issue the bonds of said district for an amount not exceeding the constitutional limit and in conformity with the Constitution of the State.

For the payment of the inerest on such bonds and for creating a sinking fund for the payment of the principal thereof, the board of trustees of their respective districts are authorized and empowered to levy annually the needed tax as provided for in Section 4476 of this Act.

Said bonds may be of any denomination, in even hundreds, not exceeding one thousand dollars each, running not exceeding thirty years and bearing interest not exceeding six per cent per annum, payable annually or semi-annually as expressed in said bonds payable to bearer with interest coupons attached.

Said bonds shall be signed by the president of the board of trustees and attested by the secretary thereof, shall pass by delivery, and shall be redeemable at the option of said board.

Said bonds shall be sold by the trustees or their authorized agent, for the highest price obtainable, but for not less than their face par value and accrued interest, and the proceeds paid over to the treasurer and applied to the uses and purposes for which they were issued.

Section 4478. The Superintendent of Public Instruction shall pay to the treasurer of each graded common school district the pro rata portion of the State and county school funds due the district according to the number of pupil children therein.

Section 4479. Each board of trustees may employ not less than one attendance officer who shall hold an attendance officer's certificate issued by the State Board of Education. Provided that boards of trustees may enter into contract with county boards of education for the employment of an attend-

ance officer or officers who shall serve both the county and the graded common school district, the expense of such attendance officer or officers being pro-rated according to the number of pupil children in the county and in the graded common school district.

Section 4480. School attendance of children of school age in graded common school districts shall be subject to the same requirements and provisions as of children of school age in county school districts as provided by law.

Section 4481. Each board of trustees shall each year not later than the last Saturday of May prepare an annual school budget on forms and blanks prepared by the State Board of Education and shall submit the same to the State Board of Education for approval.

Section 4482. Each board of trustees shall as soon after June 30, each year as possible have made a complete audit of its accounts and business transactions of the preceding school year either by the Auditor of Public Accounts or by a competent outside auditor and shall publish the results of this audit.

Section 4483. Boards of trustees shall make such reports as may be required by the State Board of Education and on such forms and blanks as may be prescribed by the State Board of Education.

Section 4484. No new colored graded common school district shall hereafter be created or organized, nor shall the boundaries of any colored graded common school district hereafter be changed except as heretofore provided in this Act. Such colored graded common school districts as are organized and established at the time this Act goes into effect shall hereafter operate under the conditions and provisions of this Act. Provided that no white person shall vote at any election held in a colored graded school district under the provisions of this Act; nor shall the property of any white person be taxed to maintain any graded common school for colored children; nor shall the property of any colored person

be taxed for the benefit of any graded common school for white children; nor shall any white child attend any graded common school for colored children organized under the provisions of this Act; nor shall any colored child attend an graded common school for white children.

§ 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

B. C. Beckmann	Ira Jones	Arch M. Quarles
J. F. Bosworth	S. B. Lane	R. I. Rice
Berl Boyd	H. R. Lawrence	David I. Scott
Lee Clark	Oscar Leibson	Lee L. Simons
E. B. Cross	Leon P. Lewis	George W. Smith
Bryce Cundiff	Martin Light	Ira D. Smith
J. C. Day	Rufus Lisle	R. F. Stewart
A. W. Dorsey	Harry J. Meyers	Geo. F. Thompson
G. Lucien Drury	R. C. Moore	H. Q. Thompson
W. D. Duncan	S. H. Moore	N. I. Toombs
George W. Ellis	B. A. Muster	Chas. B. Truesdell
Mrs. M. E. Flannery	C. D. McCaw	Fred C. Vanhoose
W. L. Gossett	W. T. McGuire	Oscar Vest
Bryant Green	R. D. McMurtry	Geo. C. Waggoner
Ed. A. Gullion	E. E. Nelson	W. T. Walker
J. Edgar Hadden	Chas. A. Nelson	W. S. Wallen
Arch L. Hamilton	D. A. O'Donovan	W. D. Watkins
Oscar P. Harvey	C. C. Oney	J. B. Wicker
Thos. O. Holder	James Park	
Frank J. Humbert	H. Walter Pierce	—58

Those who voted in the negative were—

Samuel W. Adams	R. O. Huntsman	Brodie Payne
Thos. Bowman	J. T. Jennings	Arthur Saunders
John E. Brown	Lester Jeter	Frank L. Strange
H. C. Duffy	C. C. May	John M. Tinsley
David J. Howard	Geo. W. Newman	—14

Resolved that the title thereof be as aforesaid.

Mr. Truesdell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 229. An Act relating to and amending the charters of cities of the first class and referring in this title to sections of the Kentucky Statutes, Carroll's Edition 1915, and Vol. III, 1918, supplement thereof, and Acts of the General Assembly amendatory to said statutes, and providing that the short title to this act shall be, "City Government Committee Bill—Cities of the First Class;" amending Section 2747, relating to officers of said cities and penalties for making false entries in their books or for misapplying funds or property of the city, so that the provisions of said section will be general in their application to any officer; repealing and re-enacting Section 2748, relating to terms of office of officers, and providing generally how long officers shall hold office; amending Section 2751, relating to ordinances, and continuing in force all general ordinances now in force, not in conflict with law, until repealed, and providing for the modification thereof; repealing and re-enacting Section 2755, relating to inspection of weights and measures, and providing for

the inspection of weights and measures, the appointment and compensation of inspectors, and penalties; repealing and re-enacting Sections 2765, 2766, 2767, 2772, 2777, 2778, 2781, and amending Sections 2768, 2769, 2770, 2771, 2773, 2775, 2776, 2779, 2782 and 2783, relating to the legislative department of said cities, and changing the legislative body thereof from a bicameral legislative body, to a single legislative body, and prescribing the number, qualifications and compensation of the members thereof and its powers and duties; amending Section 2784, relating to the executive department of said cities, and adding commissions; repealing and re-enacting Section 2794, relating to removal of officials appointed by the mayor, and regulating their removal; repealing and re-enacting Section 2801, relating to the appointment, supervision and duties of the city buyer, and providing for his appointment and supervision; repealing and re-enacting Sections 2802 and 2803, relating to the board of public works and board of public safety, and abolishing said boards and establishing executive departments of public works, public safety, public finance, public welfare, public health, and law, and providing for the organization and administration of such departments, the appointments, qualifications and compensation of directors thereof, and imposing the powers and obligations and duties vested in said boards upon the respective departments and directors and officials thereof appointed in succession to said boards; repealing and re-enacting Section 2810, as amended by an act of the General Assembly of the Commonwealth of Kentucky for the year 1920, being Chapter 108 of the Acts of the General Assembly of 1920, entitled "An Act to amend and re-enact Section twenty-eight hundred and ten (2810), Carroll's Kentucky Statutes, edition of 1915, being Section forty-eight (48) of an act entitled 'An act for the government of cities of the first class,' approved July 1st, 1893, as amended by an act approved February 4, 1894, and by an act approved March 15, 1912," relating to the appointment of chiefs of departments under the boards of public work and public safety,

and providing the manner in which chiefs of divisions of the several executive departments and the officers and employes thereof shall be appointed and removed, and placing the division of engineering of said cities under the supervision and control of the director of works, and providing for the examination of applicants for the office of chief engineer, and for the appointment of a chief engineer and assistant engineers; repealing and re-enacting Section 2822, relating to approval of contracts for expenditures, and regulating the manner of approving expenditures and contracts; repealing and re-enacting Sections 2824 and 2825, relating to the board of public works, and further providing for the organization and administration of the department of public works, and defining the rights, powers and duties of said department and the director thereof; repealing and re-enacting Section 2826, relating to the construction or reconstruction of public ways, wells, cisterns and sidewalks of said cities, and creating a city planning commission and providing for its organization, the appointment and qualifications of its members, and defining its powers and duties; repealing and re-enacting Section 2839, relating to apportionment warrants and liens securing same in said cities, and regulating the issuance of apportionment warrants for which liens are given for said improvements, and providing that the legislative body may, in its discretion, provide by ordinance that any original construction of streets, alleys and public ways in such cities, shall be made on the ten payment plan, authorizing the issuance and sale of improvement bonds for the payment of such construction, and the levy, assessment, and collection of taxes therefor, giving a lien to secure such levy and bonds, and prescribing options of the property owners relative to the payment of such taxes, and providing penalties for default in payment of any installment when due, and for the judicial enforcement of the liens securing the bonds and levy; repealing and re-enacting Sections 2841, 2844 and 2853 and amending Sections 2842 and 2843, relative to parks and the board of park com-

missioners in said cities, and providing for the appointment, qualifications, terms of office and number of members of said commission, the filling of vacancies, the oath to be taken by such commissioners, and the levy and collection of taxes for park purposes; repealing and re-enacting Section 2861, relating to the board of public safety in said cities, and further providing for the organization and administration of the department of public safety, and defining the rights, powers and duties of said department and the director thereof; repealing and re-enacting Section 2862, relating to the government of penal and charitable institutions, and further providing for the organization and administration of the department of public welfare, and defining the rights, powers and duties of said department and the director thereof, and providing for the location of such institutions by the legislative body; repealing and re-enacting Section 2863, relating to the location of penal and charitable institutions of said cities, and further providing for the organization and administration of the department of public health, and defining the rights, powers and duties of said department and the director thereof; repealing and re-enacting Sections 2865, 2866, 2867, 2868, 2870, 2874, 2875, 2879, 2880 and 2884, and amending Section 2896, relating to the police and fire departments of said cities, and providing for the appointment of the chief of policemen and the chief of firemen and assistant cheifs, and for the appointment and compensation of members of the divisions of police and fire departments, for the creation of a civil service board of four members and the appointment, qualifications, bonds, terms of office, removability and compensation of members of said board, for the levy and assessment of taxes to support said board, and defining the rights, powers and duties of said board, with reference to said divisions, and providing for the organization, reorganization and administration of said divisions, and defining the powers and duties of the director of safety and the chiefs of said divisions of police and fire departments and officers and members thereof, and making the

violation of Section 2866, as herein re-enacted, a misdemeanor, and providing penalties for the violation thereof; repealing and re-enacting Section 2873, relating to the control of the police department by the board of public safety, and providing for the continuance of the present police department until reorganized in accordance with the provisions of this act; repealing and re-enacting Section 2882, relating to the police force of said cities, and providing for the period of time within which limitation of actions and proceedings for the recovery of money or for reinstatement in said division of police department; repealing and re-enacting Section 2896a, as amended by an act of the General Assembly, being Chapter 127, Acts of 1920, entitled "An act to amend and re-enact Sections three and four of the act approved March 18, 1912 (Chapter 122, page 428, Acts of 1912), entitled: 'An act to repeal Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33, of an act entitled, "An act to amend 'An act for the government of cities of the first class,' approved July 1, 1893, for the better government, administration and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children, and dependent fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after a service of a term of years," approved February 19, 1902, and to provide for the creation, control and disposition, through trustees, of a fund to be used in pensioning, under certain conditions, firemen and the families of deceased firemen, in cities of the first class;' said Sections three and four of said act being subsections seventeen and eighteen of Section 2896-a of the Kentucky Statutes, Carroll's Edition of 1915," relating to the fire department of said cities, and further providing for the continuance, reorganization, organization and the administration of the division of fire department, and defining the rights, powers and duties of the department of public safety, the director thereof, and the officers and

members of said division, and defining the offense of refusal to grant right of way to officers and members of such division, and providing penalties therefor, and providing for the continuation of the board of trustees of the firemen's pension fund, and defining the rights, powers and duties of city officials, and of the board of trustees of such fund and its employes, and of the members of the division of fire department, with reference to such fund, and providing for and regulating the administration, disposition and payment of such pension fund; repealing and re-enacting Sections 2897 and 2900, relating to the office of comptroller, and abolishing said office, and establishing the office of comptroller and inspector, and providing for the manner in which he shall be chosen and compensated, and defining the term of office, the obligations, rights, powers and duties of said comptroller and inspector; repealing and re-enacting Section 2901, relating to the office of auditor, and abolishing said office and providing for the appointment and compensation of accountant, defining the rights, powers and duties of such accountant; repealing and re-enacting Section 2902, relating to the office of treasurer, and abolishing said office, and conferring the rights, powers and duties of that office upon the director of finance, defining the rights, powers and duties of said director, and further providing for the organization and administration of the department of public finance, and defining the rights, powers and duties of said department and the director thereof; repealing and re-enacting Sections 2909 and 2910, relating to the city attorney and assistant attorneys, and further providing for the organization and administration of the department of law, for the compensation of the officers of said department, abolishing the present offices of city attorney and assistants, and imposing their powers, obligations and duties upon the said department and officers thereof, and defining the powers and duties of said department and director and members thereof; repealing and re-enacting Sections 2911, 2935, 2938, 2940, 2943 and 2944, relating to police court and

officials thereof, and providing for a judge and other officers of the police court, the election and term of office of said judge, and abolishing the present office of prosecuting attorney, and imposing the powers, obligations and duties of that office upon the department of law and members thereof, abolishing the present offices of bailiff and deputy bailiffs, and imposing the powers, obligations and duties of those offices upon the division of police department, and providing that, upon the expiration of the term of office of the present clerk of said court, the said office shall cease to be elective and shall become appointive; amending Section 2921 and repealing and re-enacting Sections 2930, 2931 and 2932, and repealing Section 2947, relating to the police court and officials thereof and the office of bond recorder, and abolishing the office of bond recorder and imposing the duties of that office upon the clerk of the police court of said cities, and further defining the obligations, powers and duties of the clerk and deputy clerks of the police court, prescribing the penalties for the violation of such duties, and providing for the appointment and compensation of said clerk and deputies, filling vacancies in said offices, and the disposition of fees collected by said clerk; repealing and re-enacting Section 2948, relating to the office of live stock inspector of said cities, and abolishing said office and creating the office of meat inspector, and providing for the appointment and supervision of such inspector and assistants, and defining their powers, duties and compensation; repealing, amending and re-enacting an act of the General Assembly, being Chapter 52 of the Acts of 1916, and approved March 23, 1916, entitled "An act to amend charters of cities of the first class and to authorize cities of the first class to support by the levy of a tax or otherwise, a municipal university," relating to a municipal university in cities of the first class, and making formal changes in words and phraseology, so as to conform said act to the changes, referred to in this title, in the governmental administration of said cities; repealing and re-enacting subsections 25 and 28 of Section 2978a, relating

to the board of education, and making formal changes in words and phraseology, so as to conform said subsections to the changes, referred to in this title, in the governmental administration of said cities; repealing and re-enacting Section 2984, relating to the assessment of property in said cities for taxation, and requiring that assessments of property in said cities, subject to an ad valorem tax, shall be made as of the first of July in every year; repealing, amending and re-enacting an act of the General Assembly, approved March 23, 1920, being Chapter 86 of the Acts of 1920, entitled, "An act to enable cities of the first class to construct additions and make more perfect their systems for the disposition of sewage, and to amend and re-enact Section 14 of an act entitled, 'An act to enable cities of the first class to construct an extension to their systems for the disposition of sewage,' approved March 18, 1912," relating to the construction and extension of sewerage systems in said cities, and providing for the appointment and personnel of the sewerage commission, and defining the powers and duties of said commission, and the powers and duties of the mayor and director of works with reference thereto; amending and re-enacting Section 3037c, relating to the "board of tuberculosis hospital," and providing for the appointment and personnel of said board, and defining the powers and duties of said board and the powers and duties of the mayor and director of health with reference thereto; repealing and re-enacting subsections 3, 6 and 8, and amending subsections 9 and 10, of Section 3037f, relating to plumbers and plumbing and a board of examiners of plumbers, and providing for the appointment and compensation of the members of said board and the chief plumbing inspector and his deputies, and defining the powers and duties of said board and inspectors and the powers and duties of the director of health with reference thereto; repealing and re-enacting subsection 80 of Section 3037g, relating to tenement houses in said cities and disagreements between executive departments, and providing the manner of settling disagreements; amend-

ing Sections 2745, 2757, 2761, 2763, 2783a, 2798, 2854, 2857, 2916, 2928, subsection 2 of Sections 2978a, 2978b, 3011a, 3017 and subsections 7 and 10 of Section 3024a, relating to cities of the first class, and changing the words "general council," wherever same appear therein, to "legislative body;" amending Sections 2756, 2787, 2801a, 2808, 2809, 2818, 2827, 2828, 2830, 2831, 2832, 2833a, 2837, 2838, 2872, subsections 2, 3, 4, 12, 13 and 15 of Section 2872a, as amended by an act entitled "An act to amend and re-enact Sections three and four of the act approved March 18th, 1912 (Chapter 112, page 372, Acts of 1912), entitled: 'An act to repeal "An act providing for the creation, control, and disposition of a fund to be used in pensioning, under certain conditions, policemen, and the families of deceased policemen, in cities of the first class," approved March 3, 1904, and to provide for the appointment of trustees and the raising or creation, the management and disbursement, of a fund to be employed in pensioning, under conditions provided, policemen, and the families of deceased policemen, in cities of the first class'; said Sections three and four of said act being subsections three and four of Section 2872a, Kentucky Statutes, Carroll's Edition of 1915," being Chapter 126 of the Acts of 1920, 2876, 2878, 2886, 2888, 2890, 2903, 2917, 2926, subsections 3 and 6 of Sections 3010 and 3024, and repealing and re-enacting Sections 2788, 2789, 2791, 2795, 2801b as amended by an act entitled "An act to amend and extend Chapter seventy-one of the acts of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1902, entitled, 'An act providing for the establishment and maintenance of free public libraries in cities of the first class (which is also Section 2801b, subsection 3 of Kentucky Statutes, Edition of Anno Domini, one thousand nine hundred and fifteen (A. D. 1915), edited by Honorable John D. Carroll), and to authorize free public libraries of cities of the first class to mortgage property or to issue bonds thereon, and to authorize cities of the first class to guarantee the payment of any bonds issued by the said free public libraries

either the principal or interest or both,' '' being Chapter 79 of the Acts of 1918, 2804, 2807, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2819, 2820, 2823, 2829, 2833, 2834, 2836, 2860, 2870, 2877, 2892, 2894 and subsection 4 of Section 3010, relating to cities of the first class, and making formal changes of words and phraseology therein, so as to make said sections and subsections conform to the change in the legislative body and the creation, organization, reorganization and establishment of executive departments, boards, offices and commissions of said cities, referred to in this title, and succeeding to the powers, obligations and duties of departments, boards and offices abolished by this act; and repealing Sections 2805, 2806, 2864, 2871, 2881, 2883, 2893, 2895, 2898, 2899, 2937, 2941, and 2942, relating to cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The short title of this act shall be, "City Government Bill—Cities of the First Class."

§ 1. That Section 2745 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body;" so that when amended said section shall read as follows:

The members of the legislative body, and all other officers of the city, before entering upon the duties of their respective offices, shall each take such oath or affirmation as may be prescribed by this act or by ordinance; and, in addition, each shall make an oath or affirmation that he has the qualifications prescribed by this act, and is not subject to any of the disabilities which render him ineligible to hold the office to which he has been elected.

§ 2. That Section 2747 of the Kentucky Statutes (Carroll's Edition 1915), be and the same is hereby amended by striking therefrom the words "auditor, tax receiver, treas-

urer, or comptroller, or other," so that when amended said section shall read as follows:

If any officer or assistant, or deputy of such office of said city, shall make or knowingly permit others to make a false entry in his books, or shall allow or disallow any item or items, or shall knowingly fail to make any proper entry in his books, with intent to cheat or defraud said city or any person or corporation, or shall embezzle or knowingly misapply or withhold any money or property of any kind belonging to said city, or coming into his hands officially, such officer, assistant, or deputy shall, upon conviction thereof, be confined in the penitentiary of this Commonwealth not less than two nor more than ten years.

§ 3. That Section 2748 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

All officers who have qualified shall hold their office until their successors are elected or appointed and qualified, if such offices to which they are elected or appointed are not legally abolished by the General Assembly during the terms of office of such officers, in which event the terms of office of such officers shall cease and determine when such act or acts abolishing such offices shall become effective or when such officers resign or die and their successors are appointed where such appointments are provided for at the expiration of the terms of the present incumbents.

§ 4. That Section 2751 of the Kentucky Statutes (Carroll's Edition, 1915, Volume III, 1918 Supplement), be and the same is hereby amended by striking therefrom the words "general council" appearing in the third and seventeenth lines thereof, and inserting in lieu thereof the words "legislative body of said city;" by striking therefrom the words "but not longer than two years from the first election of the general council under this act," appearing in the third and

fourth lines thereof, and by striking therefrom the figures "1919" in the fifth line thereof and inserting in lieu thereof the figures "1923" and by striking therefrom the figures "1917" in the seventh line thereof and inserting in lieu thereof the figures "1925," so that when amended said section shall read as follows:

All general ordinances of the city now in force and not in conflict with this act, shall continue in force until repealed by the legislative body of said city. Hereafter there shall be published for the year 1923, and every four years thereafter, a compilation or codifictioan of the general ordinances of the city, and hereafter there shall also be published for the year 1925, and every four years thereafter a supplemental compilation or codification, which shall contain all the general ordinances which have been passed since the previous compilation. No general ordinance shall be operative unless included or published in said compilation or supplemental compilation, or unless passed subsequent to the last compilation or supplemental compilation. Immediately after the passage of this act the city attorney shall codify the general ordinances of the city and add thereto such provisions as may be necessary to carry out the purpose of this act. The code so prepared shall be promptly transmitted to the mayor and legislative body of said city.

§ 5. That Section 2755 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

The legislative body of any city of the first class shall, by ordinance, provide suitable penalties for the punishment of persons who knowingly use defective or imperfect weights or measures, and may provide for such employes, who shall be appointed by and be under the supervision of the director of safety, as may be necessary to enforce this section and who shall be paid by the city and no fees shall be charged for such services.

§ 6. That Section 2756 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," and by inserting after the word "election," in the last line thereof, the words "or appointment," so that when amended said section shall read as follows:

Except as otherwise herein provided, the legislative body may, by ordinance, prescribe the duties, define the term of office, and fix the compensation and the bond and time of election or appointment of all officers and agents of the city.

§ 7. That Section 2757 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

Any officer of said city, or member of the legislative body, who shall receive any money or other thing of value, directly or indirectly, for his vote or influence in favor of any measures upon which he may act officially, shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than two nor more than twenty years.

§ 8. That Section 2761 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" appearing in the second and tenth lines thereof and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

Whenever it is deemed desirable to annex any territory to the city, or to reduce the boundaries thereof, the legislative body thereof may enact an ordinance, defining accurately the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least ten issues of the daily paper published in and having the largest circulation in the cities. In not less than thirty days

after the enactment of such ordinance, if the publication or notice, as herein provided, has been made or given, and no petition is filed in the circuit court, as provided in the next section, the legislative body may, by ordinance, annex to the city the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordinance such territory shall become part of such city or shall be stricken therefrom.

§ 9. That Section 2763 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

The judgment shall, when entered, be certified to the legislative body of the city, who may thereupon annex to or strike from the city the territory described in the judgment, and such territory shall become, or cease to become, as the case may be, a part of the city.

§ 10. That Section 2765 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted, so as to read as follows:

The legislative power of any city of the first class shall be in a board of twenty-four councilmen and in a board of twelve aldermen, which shall be styled the general council; provided, however, that, from and after the expiration of the terms of office of the present members of said boards and the election and qualification of the members of the new legislative body of said city, as herein created and provided for by this act, the present legislative body, composed of a board of councilmen and a board of aldermen, shall cease and determine and the legislative power of said city thereafter shall be in a legislative body of twelve members, who shall be elected and qualified as provided by this act, which legislative body shall be styled the board of aldermen; and from and after said time all the powers, obligations and duties now

vested in the present legislative boards of said city shall immediately vest in the legislative body hereby created and the members thereof shall be elected and qualified as provided by this act. And whenever any power, authority or duty is imposed upon the general council of cities of the first class, such power, authority or duty is hereby vested in and imposed upon the legislative body of said cities however constituted.

§ 11. That Section 2766 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

Councilmen shall be elected by the qualified voters of the city, at large, and so selected that two shall be residents of and qualified voters in each ward; Provided, however, that, from and after the expiration of the terms of office of the present councilmen the board of twenty-four councilmen shall cease and determine, as provided by this act, and thereafter no councilmen shall be elected as provided in this section.

§ 12. That Section 2767 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Members of the present board of aldermen of any city of the first class shall be selected from and elected by the qualified voters of the city at large; Provided, however, that, from and after the expiration of the terms of office of the present members of said board the said board shall cease and determine, as provided by this act, and thereafter no members thereof shall be elected as provided in this section; and, provided further, that the members of the new legislative body of any city of the first class, as created and provided for by this act, to be styled the board of aldermen, shall be so selected that one shall be a resident of and a qualified voter in each ward of said city, and shall be elected by the qualified voters of the city at large. The members of the said new

legislative body shall be elected at the next regular November election, to be held in the year one thousand nine hundred and twenty-three, and every two years thereafter.

§ 13. That Section 2768 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" wherever they appear in said section and inserting in lieu thereof the words "legislative body," and by striking therefrom the words "either board" in the thirteenth line thereof and inserting in lieu thereof the words "the legislative body," so that when amended said section shall read as follows:

Members of the legislative body shall hold their office for two years after the election. They shall be at least twenty-five years of age, and shall be housekeepers or owners of real estate in the city. They shall hold no other civil office. They shall not be directly or indirectly interested in any contract with said city, or in any application therefor, or a candidate for or hold any office or employment for pay in any company or corporation which holds or is an applicant for any contract with the city. Stockholders in corporations may be eligible, but shall not vote on or interfere, directly or indirectly, with any matters or question affecting a contract between such company and the city, or its rights or duty under the same. No person while in arrears to the city for money collected shall be a member of the legislative body. Before any member elect shall take his seat in the legislative body, he shall make an oath or affirmation that he has the qualifications and is free from the disqualifications prescribed herein.

§ 14. That Section 2769 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

Representation shall be equal and uniform, and regulated by the number of inhabitants, as ascertained by the Federal census made in one thousand eight hundred and ninety, and

by the Federal census every ten years thereafter. The legislative body shall lay off the city into twelve wards, as nearly equal as practicable in population.

§ 15. That Section 2770 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "each board" wherever they appear therein and inserting in lieu thereof the words "the legislative body," so that when amended said section shall read as follows:

The legislative body shall elect from its members a president thereof for one year. In his absence a president pro tem. shall be chosen from the members. The legislative body shall elect its clerk and may elect a sergeant-at-arms.

§ 16. That Section 2771 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "each board" appearing in the first line thereof and inserting in lieu thereof the words "the legislative body," and by striking therefrom the words "either board" in the fourth and fifth lines thereof and inserting in lieu thereof the words "the legislative body," and by striking therefrom the words "general council in joint session" in the last sentence thereof and inserting in lieu thereof the word "it," so that when amended said section shall read as follows:

The legislative body shall judge the eligibility and the election of its members, adopt rules for its proceedings, and punish its members for disorderly conduct. Two-thirds of the members elect concurring, the legislative body may expel a member; but not twice for the same cause. Vacancies in the legislative body shall be filled by it.

§ 17. That Section 2772 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

A majority of the members elect shall form a quorum of the legislative body, but a smaller number may adjourn from

day to day. The attendance of members may be enforced by rules or ordinances with appropriate fines. Members of the legislative body shall receive ten dollars for each regular meeting attended, but they shall not be compensated for attendance upon special or called meetings of the body. The legislative body shall meet on the first Tuesday succeeding the election, and shall thereafter hold two regular meetings in each month. The legislative body shall hold its meetings in such rooms in the city as may be provided by ordinance, and the place of meeting shall not be changed except by an ordinance, for which two-thirds of the members elect have voted.

§ 18. That Section 2773 of the Kentucky Statutes (Carroll's Edition, 1915, Volume III, 1918, Supplement), be and the same is hereby amended by striking therefrom the words "each board" and inserting in lieu thereof the words "the legislative body," so that when amended said section shall read as follows:

The legislative body shall keep a correct journal of its proceedings.

§ 19. That Section 2775 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by inserting after the word "former" in the second line thereof the words "and present," and by striking therefrom the words "present and" in the third line thereof, and by striking therefrom the words "general councils" in the fourth line thereof and inserting in lieu thereof the words "legislative bodies," and by striking therefrom the word "comptroller's" in the last sentence thereof and by inserting after the word "office" in the last sentence thereof the words "of the director of finance," so that when amended said section shall read as follows:

All official papers, proceedings, and records of the former and present officers and general councils, and trustees, and of the succeeding officers, legislative bodies, and trustees of the city, under previous charters and under this and succeeding acts, are hereby declared public records, and as such shall be

preserved and be entitled to all faith and credit of public records. Official copies thereof may be read in all courts as public records. The courts in this Commonwealth shall take judicial cognizance of the ordinances of the city, and the printed copy officially published by the city may be read as evidence in any trial in which the same may be competent evidence without proof of the due passage and approval of said ordinances. Until the biennial publication of the ordinances of the city, a certified copy from the office of the director of finance of an ordinance may be read with the same effect as if it had been officially published.

§ 20. That Section 2776 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

Members of the legislative body shall be exempt from serving on juries and from military duty during their term. For anything said in debate they shall not be elsewhere questioned.

§ 21. That Section 2777 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

No ordinance shall be passed by the present legislative body of any city of the first class, until it shall have been read in full in each legislative board thereof and free discussion allowed thereon, and no ordinance shall pass both legislative boards on the same day; provided, however, that, from and after the time that the present legislative boards cease to exist, and the election and qualification of the members of the new legislative body of such city, created and provided for by this act, no ordinance shall be passed at the meeting of said body at which it is introduced, nor shall it be passed at any succeeding meeting until it shall have been read in full at such meeting, and free discussion allowed there-

on; and, provided, further, that no ordinance passed by any legislative body of said city shall embrace more than one subject, and that shall be expressed in its title. No ordinance shall be altered or amended in any way except by repealing it.

§ 22. That Section 2778 of the Kentucky Statutes (Carroll's Edition), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Propositions for raising money must originate in the board of councilmen; but the board of aldermen may propose amendments thereto, as in other propositions, provided it does not, under color of amendment, introduce matter not relating to the subject; Provided, however, that from and after the time of the election and qualification of the new legislative body of said city, provided for by this act, the foregoing provisions shall stand repealed.

§ 23. That Section 2779 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" wherever they appear therein and inserting in lieu thereof the words "legislative body," and by striking therefrom the words "or either branch thereof" in the fourth line thereof, so that when amended said section shall read as follows:

No member of the legislative body during the term for which he was chosen, shall be eligible to any office by appointment or by election of said legislative body.

§ 24. That Section 2781 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Executive and ministerial officers, unless otherwise provided in this act, shall be removable by the legislative body, sitting as a court, under oath or affirmation, upon charges preferred by the mayor, or by any two members of said body, in which latter event the said members preferring such

charges shall not sit as members of said court; Provided, however, that any person removed from office under the provisions of this section shall have the right of appeal to the circuit court and from there to the Court of Appeals and said appeal to the circuit court shall be taken and tried in the same manner that appeals from the quarterly courts to the circuit court are taken and tried.

§ 25. That Section 2782 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

The legislative body shall have power to pass ordinances imposing fines, not exceeding one hundred dollars, for any designated misdemeanor not provided for by the general laws of the Commonwealth; but in cases where the general statutes of the Commonwealth impose a fine not exceeding one hundred dollars each fine may be increased by ordinance.

§ 26. That Section 2783 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

The legislative body shall have power to pass, for the government of the city, any ordinance not in conflict with the Constitution of the United States, the Constitution of Kentucky and the statutes thereof.

§ 27. That Section 2783a of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council," wherever they appear therein, and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

1. That wherever any city of the first class shall own any stock in a gas company carrying on business within its boundaries, the said city shall have the right to sell and

dispose of the same upon such terms as may be prescribed by ordinance duly passed by the legislative body of the said city and approved by its mayor, in the manner that other ordinances are so passed and approved, but said stock shall not be sold for less than par.

2. The proceeds of the sale of any such stock shall be applied, so far as they will suffice for that purpose, to the construction of public sewers, and held and used solely for that purpose, but the purchaser or purchasers of such stock shall not be required to look to the application of the purchase money.

3. The legislative body may, on such terms and conditions as shall be prescribed by ordinance passed as aforesaid, authorize the mayor of said city to consent, on behalf of the legislative body, to such amendments to the charter of any such gas company as may be approved by the board of directors of any such gas company, and so as to vest in the said board of directors and stockholders of said company the same power and authority to deal with its charter as the stockholders and directors of any other corporation organized under the law of the State of Kentucky would have.

§ 28. That Section 2784 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by inserting after the words "the mayor and in the" in the first sentence thereof, the word "commissions," and by striking therefrom the words "this act" in the first sentence thereof and inserting in lieu thereof the word "law," so that when amended said section shall read as follows:

The executive power shall be vested in the mayor and in the commissions, boards and departments authorized by law. The mayor shall be elected by the qualified voters of the city on the first Tuesday after the first Monday in November, one thousand eight hundred and ninety-three, and at the regular election every four years thereafter.

§ 29. That Section 2787 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by

striking therefrom the words "general council in joint session" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

If two or more candidates for mayor receive the same number of votes, and this number of votes is greater than the number of votes cast for any other candidate, one of them shall be chosen mayor by a vote of the majority of all the members of the legislative body, immediately after its organization.

§ 30. That Section 2788 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

When a vacancy shall take place in the office of mayor, a mayor pro tempore shall be chosen by the legislative body by the votes of a majority of the members elected. If the vacancy occurs three months or more prior to a regular municipal election, a mayor shall be chosen for the unexpired term at the said election. If the vacancy occur within three months, the mayor pro tempore chosen by the legislative body shall serve until the regular election for mayor. It shall be the duty of the president of the present board of aldermen during its existence and thereafter by the president of the board of aldermen provided for in this act, to issue his proclamation for such meeting, to be held not less than ten nor more than twenty days after such vacancy shall take place. Until the vacancy is filled, the president of the board of aldermen shall act as mayor.

§ 31. That Section 2789 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Should the mayor be temporarily absent or unable to discharge his duties, his office shall be administered by the president of the present board of aldermen during its exist-

ence and thereafter by the president of the board of aldermen provided for in this act, who shall continue to discharge the duties of the office during the continuance of the disability or the absence of the mayor. The compensation shall be determined by the legislative body of said city, but shall not exceed the rate allowed the mayor, and the sum so paid may be deducted in whole or in part from the salary of the mayor, or as the legislative body may determine.

§ 32. That Section 2791 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

It shall be the duty of the mayor:

1. To be vigilant and active in causing the ordinances of the city and the laws of the State to be executed and enforced.

2. To communicate to the legislative body, at least once a year, a statement of the finances and general condition of the affairs of the city, and also such information in relation to the same as the legislative body may, from time to time, require.

3. To recommend by message, in writing, to the legislative body all such measures connected with the affairs of the city as he shall deem expedient.

4. To fill, with the consent of the present board of aldermen, during its existence and thereafter with the consent of the board of aldermen provided for in this act, all vacancies in executive and ministerial offices the filling of which is not herein otherwise provided for.

§ 33. That Section 2794 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted, so as to read as follows:

The mayor may, by a written order, remove from office any head of a department, director, or other officer appointed by him.

§ 34. That Section 2795 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Except a resolution to adjourn, every proposed ordinance or joint resolution which has passed the general council shall be presented to the mayor, and if he approve it he shall sign it, and then it shall be obligatory; but if he disapprove it, he shall return it, with his objections in writing, to the board in which it originated, and said board then shall reconsider the same, and if two-thirds of the members elect concur in adopting it again, it shall be sent, with the mayor's objections, to the other board, where it shall also be reconsidered, and if again passed by the votes of two-thirds of its members, it shall be obligatory; but in such cases the votes in each board shall be taken by yeas and nays and recorded in the journal. Should the mayor withhold a proposed ordinance or resolution beyond the day for the next regular meeting, and the general council actually meet, if three days have intervened between the presentation of the mayor and said meeting, it shall be obligatory as if signed; Provided, however, that from and after the time the present legislative boards shall cease to exist and the election and qualification of the members of the new legislative body created and provided for in this act, every ordinance or resolution, except a resolution to adjourn, which shall have passed the said legislative body, shall immediately be presented to the mayor for his approval or disapproval. If he approve it, he shall sign it and it shall then be obligatory, but if he shall disapprove it, he shall return it, with his objections, to the said body, which shall enter his objections in full upon its journal and proceed at its next regular meeting to consider it. If, after such reconsideration, two-thirds of the members elected to the said legislative body shall agree to its passage, the ordinance shall become obligatory; but in such cases the votes shall be taken by yeas and nays and recorded in the journal. If any ordinance or resolu-

tion, which is not signed by the mayor, shall not be returned by the mayor as herein provided on or before the day on which the said legislative body holds its regular meeting next succeeding the meeting at which the said ordinance was passed, after it shall have been presented to the mayor, if three days have intervened between the presentation to the mayor and said meeting, it shall become obligatory in like manner as if he had signed it.

§ 35. That Section 2798 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

The mayor may convene the legislative body at any time.

§ 36. That Section 2801 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The director of finance shall have power to appoint a city buyer, whose duty it shall be, under the supervision and control of said director, to purchase all articles needed by the city in its several departments. All purchases made by him shall be approved by the mayor. He shall report each day to the comptroller and inspector the purchases made by him.

§ 37. That Section 2801a of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" in the first sentence of paragraph one thereof and inserting in lieu thereof the words "legislative body," and by striking therefrom the word "treasurer" wherever said word appears therein and inserting in lieu thereof the words "director of finance," so that when amended said section shall read as follows:

1. That the mayor, with the consent of the legislative body may by contract enter into an arrangement for a period not exceeding five years, and renew the same from time to

time thereafter, with the association or corporation owning or controlling an existing library in any such city, which contains not less than fifty thousand volumes, to the end that such library shall be free and open to the public, and all persons residing or sojourning in any such city, at all reasonable times and under proper and reasonable regulations (except that it may be closed on Sunday, if deemed proper by such association or corporation). In said contract it shall be provided that such library shall, during the period thereby covered, be open and free to the general public as aforesaid, the uses, privileges and facilities, thereof, subject to the reasonable and proper direction and regulation of its governing body, being equal and free to all persons applying therefor; that it shall be non-sectarian and be so conducted, and its reading room or rooms, and its circulating department shall be maintained free and open to the general public.

2. As consideration for such public use, such city shall annually in its annual ordinance fixing the tax rate include a levy for library purposes not exceeding two cents on each one hundred dollars' worth of property assessed for taxation for city purposes, and the amount levied as above shall annually be passed to the credit of the library fund, upon the books of said city, and the said amounts as collected shall be paid over to the association or corporation aforesaid, by the director of finance, in regular weekly installments, the first payment to be made weekly thereafter in current money by the said director of finance as collected; all money so received by such association or corporation shall be used in conducting and maintaining said library for the public purposes aforesaid and for none other. Said corporation or association shall annually, in the month of September, make a report to the mayor, showing statistics covering the attendance at and the use of the books of the library, the receipts and expenditures of all moneys handled by it during the year, and such other information as may bear upon the usefulness of said library to the public.

§ 38. That Section 2801b of the Kentucky Statutes (Carroll's Edition, 1915), as amended by an act of the General Assembly, being Chapter 79 of the acts of the General Assembly of the Commonwealth of Kentucky for the year one thousand nine hundred and eighteen, entitled "An act to amend and extend Chapter seventy-one of the acts of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1902, entitled 'An act providing for the establishment and maintenance of free public libraries in cities of the first class (which is also Section 2801b, subsection 3 of Kentucky Statutes, Edition of Anno Domini, one thousand nine hundred and fifteen (A. D., 1915) edited by Honorable John D. Carroll), and to authorize free public libraries of cities of the first class to mortgage property or to issue bonds thereon, and to authorize cities of the first class to guarantee the payment of any bonds issued by the said free public libraries either the principal or interest or both,' be and the same is hereby repealed, and in lieu thereof that said section be reenacted so as to read as follows:

1. That any city of the first class may establish and maintain within its corporate limits a free public library, with circulating and reference departments and reading rooms, or any of them, for the use and benefit of the residents thereof, with such branches and stations as the board of trustees, hereinafter provided, may, from time to time, deem proper or necessary. All the uses and privileges of such library shall forever be free and equal to all residents of such city, subject only to the rules and regulations established by the board of trustees. But said board may extend the privilege and use of such library and reading rooms to persons residing outside of such city, upon such terms and conditions as said board may, from time to time, by its regulations, prescribe.

2. The legislative body of any such city may, by ordinance, signify its purpose or intent to establish a free library under the provisions of this act, and, when it shall have so

ordained or resolved, the said city shall thereafter be treated as having exercised its discretion to establish such library, and the subsequent provisions of this act shall then become operative.

3. The mayor of any such city shall, as soon as practicable after the passage of such ordinance, name twelve trustees, three for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years; and shall thereafter, in the month of each succeeding year corresponding to the month in which the first appointments are made, in the same manner nominate three trustees for a term of four years. No person shall be eligible to the office of trustee who is not, at the time of his selection, a taxpayer and qualified voter in the city and has not resided therein for two years prior to his selection, and no salary or other compensation shall ever be paid to or received by such trustee for the performance of the duties of his office. The said twelve trustees, together with the mayor of said city, who shall be a trustee by virtue of his office, shall constitute and be styled the board of trustees of the free public library; and by said title shall be a corporation with power to make such rules and regulations to goven itself, and for the control, management and use of the property entrusted to its care as it may be deemed proper, not, however, in conflict with this act, or with the Constitution or laws of this State or of the United States, with power to contract and be contracted with, sue and be sued, to defend and be defended in all courts, to acquire by gift, purchase or otherwise, and to hold real and personal property to the use of the public library, for the purpose and intent for which the same may be granted or dedicated; to use, manage and improve, sell and convey, rent or lease property; to erect suitable buildings; convey, rent or lease property; to erect suitable buildings or building; to have a common seal and change it at pleasure. and to act with or without a seal. Vacancies in the office of trustee shall be reported by the board to the mayor, and shall

be filled in like manner as the original appointments. The said trustees shall, before entering upon the duties of their offices, make oath or affirmation before some judicial officer of this Commonwealth to discharge the duties enjoined on them.

The board of trustees of the free public library of any city of the first class is hereby given authority to mortgage any or all real property or personal property owned by such library to secure any indebtedness due from the said corporation.

The said mortgage not to exceed the sum of three hundred and twenty-five thousand dollars ($325,000.00).

4. The board shall meet once each month, and oftener if necessary, for the transaction of its business. A majority of the board shall constitute a quorum, but no appropriation of money, except for ordinary or current expenditures, shall be made unless upon the affirmative vote of a majority of its members. Except for the purpose of erecting the library building, the board of trustees shall not incur liabilities for any current year in excess of its annual income, including gifts and donations and unexpended balances from previous years. The board shall, at the first meeting after the selection of its members, and annually thereafter, select out of their number a president and vice president, whose duties shall be prescribed by its rules and regulations, and it may choose a secretary and treasurer and such other officers, agents and servants as it may deem proper and necessary, and may prescribe the duties required of them, fix their compensation, and may remove its appointees at pleasure.

5. All moneys due the board shall be deposited in some chartered bank in said city, to be selected by it, and funds shall be withdrawn from said bank only on order of the board by check of its treasurer and countersigned by its president, or by its vice president when acting in his stead.

6. To raise money for the establishment and maintenance of the library, the legislative body shall annually, in

its levy ordinance, cause to be levied a tax, which shall be collected as provided by law, of not less than two and one-half cents or more than four cents on each one hundred dollars' worth of property assessed for taxation for city purposes. Upon the completion of assessment of property for taxation the amount levied as above shall, annually, be passed to the credit of the library fund upon the books of the director of finance, and the said amount, as collected, shall be paid over to the board of trustees by the director of finance in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have begun, and the other payments to be made weekly thereafter, in current money by said director of finance, as collected. The board shall annually, in the month of September, make a report to the legislative body, showing the use of the library for the fiscal year ending the last day of August preceding, the receipts and expenditures of all moneys handled by it during the year, and giving such other information as may promote the usefulness of said library to the public, or may be called for by the legislative body. No portion of the property or fund held or raised for library purposes shall ever be applied to the support of any library not exclusively under the control and management of the board of trustees as herein provided.

7. The board of trustees may accept such gifts and donations of property, real and personal, to be used for the purposes contemplated by this act, upon such terms and conditions not in conflict with the Constitution and laws of this Commonwealth, as may be agreed upon by said board of trustees, of the one part, and the donor, of the other part, and the title of the property, as may be so given or donated, shall be vested in such board of trustees, and the city wherein such library may be situated may be a party to any deed or instrument of transfer for the purpose of carrying out such arrangement pertaining thereto as it may lawfully make; and for the purpose of acquiring all property of other corporations, or

libraries, or societies, as may by contract or agreement under it be transferred from such library or association to it.

8. The legislative body of such city shall have power to pass such ordinances imposing suitable penalties for the punishment of persons committing injury to the library, or upon the grounds or other property thereof, or may be guilty of disorderly conduct in or about the premises of the said library, and for injury to or failure to return any books belonging to said library, under its rules and regulations, as the board of trustees may recommend.

9. The said board of trustees may in their discretion and if they deem it necessary issue bonds in the sum of not exceeding three hundred and twenty-five thousand ($325,000.00) for the purpose of paying off any indebtedness that the corporation may owe. The said bonds may be secured by any or all real property or personal property owned by said corporation. The bonds so issued shall be designated as "library bonds" and the board of trustees shall by an appropriate resolution fix the date and maturity of such bonds, the rate of interest they shall bear, and the form they shall bear, where they shall be payable. The said board shall determine when and at what price and how they shall be sold; Provided, that any premium which may be obtained from the sale of said bonds, shall constitute a sinking fund for their ultimate retirement. As the bonds are sold, their proceeds shall be placed to the credit of the said corporation in some bank, or banking institution or trust company, but shall be kept in a separate account, and shall be used only for the purpose for which the bonds were issued. The interest on the bonds shall be paid by the said corporation from the rent or income it may receive from any real property belonging to it.

10. Any city of the first class, having a free public library organized according to the provisions of the said chapter seventy-one (71) of the acts of the General Assembly of the Commonwealth of Kentucky of 1902 (which is now Section 2801b of the Kentucky Statutes), may by an ordinance pro-

vide that the said bonds, principal or interest or both, may be guaranteed by the city.

When the said ordinance is enacted by the said city the said bonds shall be endorsed "guaranteed" and the name of the city guarantee attached, and said guarantee shall be signed by the mayor of the city and attested by the director of finance of the city and stamped with the proper seal of the said city of the first class.

11. This section, being Section 38 of this act, is intended to be perfectly distinct and separable. If any part of the same is declared unconstitutional, the remaining portion or portions of the same shall be complete in itself or themselves, and executed in accordance with the remaining part or parts, wholly independent of that portion or portions rejected as being unconstitutional.

§ 39. That Section 2802 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The following executive departments are hereby established in cities of the first class: a department of public works, a department of public safety, a department of public finance, a department of public welfare, a department of public health and a department of law. Each of said departments shall be under the supervision and direction of a director who shall be appointed by the mayor, and the said directors of departments so appointed shall be removable at any time at the pleasure of the mayor so appointing them, or of any of his successors in office, but not by any officer who may merely for the time be filling the office of mayor in the absence or under the temporary disability of the regularly elected or appointed mayor. The directors of said departments shall have the same qualifications as members of the legislative body of said city and shall be selected for their special fitness for the work of the said departments, and shall give and devote their entire time to the discharge of their duties and shall receive adequate

compensation to be fixed by ordinance. No member or officer of the legislative body shall be eligible to appointment as director of any department. The said directors shall hold office until they resign or are removed as herein provided. The first director of each of the said departments shall be appointed as soon as practicable after the passage of this act, and the present board of public works and the present board of public safety and the terms of office of the present members of said boards shall cease and determine immediately upon the appointment and qualification of the directors of the departments succeeding said boards and all the powers and obligations and duties now vested in the present board of public works and board of public safety, not inconsistent with this act, together with all rights of action, shall immediately vest in the respective departments hereby created and the directors thereof appointed by virtue of this act in succession to said boards.

§ 40. That Section 2803 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The directors of the said departments shall have power to prescribe rules, not inconsistent with any statute or ordinance, regulating the proceeding and conduct of the officers, clerks and employes of the said departments and the divisions thereof, the distribution of the business of the said departments between and the performance thereof by the several divisions of said departments, and the preservation of the books, records, papers and property under the control of said departments. No extra compensation shall be allowed any person for indexing the records of any of said departments

§ 41. That Section 2804 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

All official business of the several departments shall be

transacted at the offices thereof, and a continuous indexed record shall be kept at such offices respectively of such business. Each department shall cause all of its receipts and disbursements to be faithfully entered in books to be kept for that purpose.

§ 42. That section 2805 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed.

§ 43. That Section 2806 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed.

§ 44. That Section 2807 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The directors of executive departments shall have seats in the legislative body, and be entitled to take part in the proceedings and deliberations thereof on all matters under their charge, subject to such rules as the legislative body shall, from time to time, prescribe, but without the right on the part of such directors of departments to vote. It shall be the duty of directors of departments to attend meetings of the legislative body whenever requested by any member of said body to so attend and whenever any matter under their charge is before said body for action.

§ 45. That Section 2808 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by substituting the words "directors of executive departments" for the words "members of said boards," so that when amended said section shall read as follows:

The directors of executive departments shall have power to administer oaths.

§ 46. That Section 2809 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking out the words "said boards" and substituting therefor the words "directors of executive departments," and by striking out the words "general council" and substituting

therefor the words "legislative body," so that when amended said section shall read as follows:

The directors of executive departments, except as otherwise provided by law, shall have the right to employ such officers and agents as may be necessary, and, subject to such limitations as the legislative body may prescribe, may fix the compensation of such officers and agents.

§ 47. That Section 2810 of the Kentucky Statutes (Carroll's Edition, 1915), as amended by an act of the General Assembly of the Commonwealth of Kentucky for the year one thousand nine hundred and twenty, being Chapter 108 of the acts of the General Assembly of the Commonwealth of Kentucky, 1920, entitled, "An act to amend and re-enact section twenty-eight hundred and ten (2810) Carroll's Kentucky Statutes, Edition of 1915, being section forty-eight (48) of an act entitled, 'An act for the government of cities of the first class,' approved July 1st, 1893, as amended by an act approved February 4, 1894, and by an act approved March 15, 1912," be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted, so as to read as follows:

Directors of executive departments shall appoint and, at pleasure, remove chiefs of divisions of the respective departments under their control. The division of engineering shall be under the supervision and control of the director of works, and shall appoint as the head of said division, a chief engineer; provided, that all applicants for the position of chief engineer shall first be examined by a board of three competent civil engineers, to be elected by the legislative body, and that no applicant who fails to pass an examination satisfactory to said board of examiners shall be eligible to the office of chief engineer, and no person shall hold the office of chief engineer until he shall have passed said examination. In call cases where the examination is made in writing all the papers shall be filed of public record with the director of works. The legislative body shall have the power to fix the

compensation of the said board of examiners. Chiefs of divisions of said executive departments, except as otherwise provided by law, with the approval of directors of their respective departments, shall appoint subordinate officers and employees of their divisions, and the chief engineer, with the approval of the director of works, may appoint such subordinate engineers as may be necessary and as may be authorized by ordinance. Subordinate officers and employees may, except as otherwise provided by law, be removed or disciplined by the chiefs of their respective divisions with the approval of directors of their respective departments. The reasons for the removal of any subordinate, as aforesaid, must be stated in writing and such writing preserved as a part of the records of the department. No officer or employe shall be removed because of his political opinions, but interference in any election, electioneering or canvassing for any person seeking any office shall be cause for instant removal.

§ 48. That Section 2811 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

No officer or employe of any executive department, except the regular police of the city and those authorized by law to do so, shall receive for his own use, directly or indirectly, any fees, perquisites, commissions, percentages, or money paid to him in his official capacity, but all fees, perquisites, commissions, percentages, and money paid to and received by or for any such officer or person shall be the property of the city, and shall be paid by or for him to the director of finance.

§ 49. That Section 2812 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Any officer, except policeman, or person in the employment of said executive departments, who shall receive any

fees, perquisites, or other things of value belonging to the said city, shall, before receiving his salary or compensation, make, under oath, a detailed statement, and shall report to the director of his department, in such form as may be prescribed, the aggregate amount of all such receipts since the last preceding statement; and he shall deposit with the director of the department in which he is employed all such fees, perquisites, percentages, or other things of value due to said city as aforesaid.

§ 50. That Section 2813 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The directors of departments may require the officers or persons employed by said departments to make such statements and returns and may examine such officers or persons under oath touching the matters herein provided for.

§ 51. That Section 2814 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Whenever there is any dispute between the executive departments of the city as to the powers or duties of said departments the matter may be referred by the director of either of said departments to the mayor, who shall examine and determine the question involved, and his decision shall be final as between said departments.

§ 52. That Section 2815 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

It shall be the duty of the director of each of said departments, annually, to submit to the mayor a detailed report of all matters in his department with an estimate of the amount of money required for his department for the ensuing fiscal year, stating, with as great particularity as possible, each

item thereof. Said report shall be transmitted by the mayor to the legislative body for consideration and for appropriate action, with such recommendations as he may think proper.

§ 53. That Section 2816 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

It shall be the duty of the mayor and the legislative body, in their annual levy of taxes, to make such levy as, in their judgment, shall be necessary and advisable, and the amount so levied shall be collected and paid to the city as provided by law and carried to the credit of the said executive departments respectively, and shall not be diverted from said executive departments, or used by the mayor or legislative body for any other purpose; but the same shall remain as a separate fund in the hands of the director of finance of the city. Directors of executive departments shall not divert the tax levy of the mayor and the legislative body from the purposes for which it was levied.

§ 54. That Section 2817 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Whenever any contract is made by any executive department, it shall be executed under the seal of the corporation, and be filed in the office of such executive department, and a copy of said contract shall be transmitted to the comptroller and inspector.

§ 55. That Section 2818 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the word "member" in the second line thereof and inserting, in lieu thereof, the word "director," and by striking therefrom the words "either board" in the second line thereof and inserting in lieu thereof, the words

"any executive department," so that when amended said section shall read as follows:

No director, officer or employee of any executive department shall be directly or indirectly interested in any contract, or work of any kind whatever done under its direction; and any contract for work or material, in which any such person shall be so interested, shall be void.

§ 56. That Section 2819 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

No money shall be paid at any time to any person claiming under a contract with any executive department until such person shall have first filed with such executive department, his statement, under oath, disclosing the names of persons directly or indirectly interested in the contract, or the profits thereof, declaring that no persons other than those named are interested, and that no person forbidden by this act has any interest in the same.

§ 57. That Section 2820 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

No director, officer, or employe of any department shall have the power to bind the city by any contract or agreement or in any other way, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the department under the control of said director; and all contracts or agreements, express or implied, and all obligations of any and every sort, beyond such existing appropriations, are declared to be absolutely void.

§ 58. That Section 2822 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows.

Whenever it becomes necessary for either of said execu-

tive departments to make an expenditure by a contract, written or oral, said contract must be made with the approval of the mayor unless otherwise provided by ordinance. If supplies and other forms of personal property are to be purchased, they shall be purchased by the city buyer, subject to the provisions of this act. Whenever the expenditure by the city buyer is to exceed two thousand dollars the contract shall not be made without the written approval of the director of the department for which the property is to be purchased and the written approval of the mayor.

§ 59. That Section 2823 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Real estate may be purchased by the mayor, when requested to do so by the director of any of said departments for the use thereof, if the purchase price does not exceed two thousand dollars. If the purchase price exceeds said sum, he shall not purchase said real estate without the consent of the legislative body.

§ 60. That Section 2824 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The department of public works of said cities shall be under the supervision and direction of a director to be designated director of works. The said department, for administrative purposes, may, as deemed necessary, be divided into divisions such as division of engineering, division of street construction and repair, division of street cleaning, division of sewer construction, division of public wharves and division of public buildings. Each of said divisions shall be under the direction of a chief or head appointed by the director of works.

§ 61. That Section 2825 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and,

in lieu thereof, that said section be re-enacted so as to read as follows:

The department of public works shall, except as otherwise provided by law, have exclusive control over the construction, reconstruction, cleaning, repairing, platting, grading, improving, sprinkling, lighting and using of all streets, alleys, avenues, lanes, market houses, bridges, sewers, drains, wells, cisterns, ditches, culverts, canals, streams and water courses, sidewalks, curbing and the lighting of public places and such other matters as may be provided by act of the General Assembly or by ordinance.

§ 62. That Section 2826 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

1. Any city of the first class may, by ordinance, create a city planning commission consisting of the director of works, president of the board of park commissioners as members ex-officio, and three members who shall be appointed by the mayor. Such commissioners shall be legal voters of the municipality and the appointed commissioners shall hold no other municipal office and shall serve without compensation.

The ordinance creating such commission shall prescribe the terms for which the members of same shall be appointed, and the expenditures of said commission shall be limited in each year to the amount appropriated by ordinance for that year. Such commission shall have the power, except as otherwise provided by law, to make plans and maps of the whole or any portion of such municipality, and of any land outside of the municipality, which, in the opinion of the commission, bears relation to the planning of the municipality, and to make changes in such plans or maps when it deems same advisable. Such maps or plans shall show the commission's recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds or any other public grounds or public improvements, and for the removal,

relocation, widening or extension of such public ways or works then existing with a view to the systematic planning of the municipality. The commission shall have the power to make recommendations for the control, development, preservation and care of historical landmarks and the design and location of statuary and other works of art, which are or may become the property of the municipality, and may make plans for the development and location of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances; and shall have power to recommend to the legislative body ordinances providing for the division of the city into districts or zones based upon the height, ground areas and use of all buildings and structures.

2. Hereafter no plat or map laying out or offering for dedication any public way or easement in the territory within the limits of the city or within three miles of the said limits as then existing shall be received for record by, or be recorded in the office of, the clerk of the county court of the county, except upon the conditions hereinafter named; and if the description of any deed, lease, mortgage or bond for title to land within said territory, refers to or is based upon any map or plat not now recorded or describing the land as binding upon any street, avenue, alley or other public way proposed or offered for dedication, immediately or in the future, for the use of the public and the purchaser, lessee, or mortgagee, said instrument or writing shall not be received for record by, or be recorded in the office of, the clerk of said court, except upon the following conditions:

(a) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or easement within the city limits, he shall file with the city planning commission a topographical map or plat of the territory bounded or intersected or immediately adjacent to said proposed public way or easement, showing the levels of said land the proposed names, nature and dimensions of the said public way or easement proposed or offered for dedication;

and, if the said commission thinks such proposed dedication of said public way or other easement would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, said commission shall approve the said map or plat and the chairman or secretary of said commission shall subscribe a certificate of approval on said map and acknowledge the execution thereof before any officer authorized to take an acknowledgment to deeds, and thereupon said map or plat may be received for record by and be recorded in the office of the clerk of the county court.

If said commission refuses to approve said map or plat in thirty days, the person offering the same may file a petition in the circuit court of the county against the city, stating the facts and filing a copy of said map or plat and said suit shall begin and proceed and be tried as a civil action in equity, and if the court, at the hearing, believe that the plaintiff has shown that said proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, the court shall order said map or plat to be received by the clerk of the county court for record in his office when the legal fees for recording the same have been paid or tendered.

(b) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or other easement outside the limits of the city, but within three miles thereof, he shall file a like topographical map with the city planning commission and also with the judge of the county court, and if the said commission and said judge think such proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city when its boundaries may embrace said land, said commission and said county judge shall approve said map or plat in the manner above provided and said map or plat shall be received for record by and be recorded in the office of the clerk of the county court upon the payment of the legal fees therefor.

If said commission or said county judge refuse for thirty days to approve said map or plat, the person offering the same shall have the right to take a like appeal to the circuit court as provided for above.

The mere approval of such a map or plat by the said commission or the county judge shall not be treated or held as of itself an acceptance of such an offer of dedication by the public authorities of the city or county, but when said public authorities are ready to accept or improve the public ways or other easement in the territory covered by said map or plat, they shall be accepted or improved in conformity with said map or plat.

Any person who shall lodge for record in the county clerk's office, and any county clerk or deputy of the county clerk who shall receive for record or permit to be lodged for record, any plat or map or deed or other instrument contrary to the provisions of this act, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars and not more than one hundred dollars for each offense.

3. No public way shall be opened, widened, narrowed, closed or constructed, and no sidewalk shall be constructed or reconstructed and no public wells or cisterns shall be dug or walled, except by ordinance recommended by the department of public works.

§ 63. That Section 2827 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "Said board" in the first line thereof and inserting, in lieu thereof, the words "The department of public works," and by adding at the end of said section the words "except as otherwise provided by law," so that when amended said section shall read as follows:

The department of public works shall have supervision and control over the construction, repairing, cleaning, lighting and heating of all public buildings, and over all public improvements of the city, except as otherwise provided by law.

§ 64. That Section 2828 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the word "board" wherever same appears therein and inserting, in lieu thereof, the words "department of public works," so that when amended said section shall read as follows:

Whenever any work is to be done by the employes of the department of public works, a careful estimate shall be made of the cost of such work or material, and said estimate, in writing, shall be at once placed on file with the records of said department of public works.

§ 65. That Section 2829 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Whenever the director of works shall order any work to be done which, either by order of the director of works or according to law, is to be performed by independent contract, the director of works shall prepare and place on file in the office of the department of public works complete drawings and specifications of said work. Thereupon the director of works shall cause a notice to be published in one daily or weekly newspaper of general circulation, published in said city, once in each week for two weeks, informing the public of the general nature of the work, of the fact that the drawing and specifications are on file in said office, and of the nature and extent of the bond or security required, and calling for sealed proposals for said work by a day not earlier than ten days after the first of said publications. The director of works may, in his discretion, fix a day later for receiving said sealed proposals, providing such date shall be mentioned in each of said notices. Said director shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the mayor. Said director shall have the power to reject any and all bids.

§ 66. That Section 2830 of the Kentucky Statutes (Car-

roll's Edition, 1915), be and the same is hereby amended by striking therefrom the word "board" wherever same appears therein and inserting, in lieu thereof, the words "director of works," so that when amended said section shall read as follows:

When, in the opinion of the director of works, it shall become necessary, in the prosecution of any work, to make alterations or modifications in the specifications or plans of a contract, such alteration or modification shall be made only by order of the director of works, and such order shall be of no effect until the price to be paid for the same shall be agreed upon, in writing, and signed by the contractor and approved by the director of works.

§ 67. That Section 2831 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "board of public works" in the third and fourth lines thereof and inserting in lieu thereof the words "director of works," and by striking therefrom the words "general council" in the seventh line thereof and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

Whenever property shall be needed for appropriate municipal purposes, either within the boundaries of the city or the county, the director of works may, with the consent of the mayor, if the amount be under two thousand dollars, order the condemnation of such property; and if the amount be over two thousand dollars may, with the consent of the mayor and the legislative body, order the condemnation of such property. The proceedings for the condemnation of property for such purposes shall be instituted and prosecuted in the name of the city, by the city attorney, as provided in this act for the condemnation of property for park purposes.

§ 68. That Section 2832 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words, "general council" wherever they appear therein and inserting in lieu thereof the words

"legislative body," and by striking therefrom the word "board" in the eleventh line thereof and inserting, in lieu thereof, the word "department," so that when amended said section shall read as follows:

public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares. Improvements, as applied to public ways, shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and done as may be prescribed herein. No ground laid off and dedicated as a street or alley by the owner within any territory heretofore or hereafter annexed to the city shall be a public way of the city until the dedication by the owner as such shall have been accepted by a resolution or ordinance of the legislative body recommended by the department of public works, and the city planning commission.

Upon the adoption of a resolution by the legislative body authorizing and directing such action, it shall be the duty of the city attorney to institute suit for the city in the circuit court for the purpose of closing any street or alley dividing any of the squares or lots within the limits of the city, and to such suit all the owners of ground in the squares or lots divided by the street or alley sought to be closed abutting on such street or alley, shall be made defendants, and if all of such defendants are competent to act for themselves and consent in writing to the closing prayed for, then, the court shall render a decree accordingly, but without such consent the court shall hear proof made by the parties, and if satisfied from the evidence that the closing would be beneficial to the city, and not injurious to any party not consenting, shall render a decree closing such street or alley.

§ 69. That Section 2833 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

When the improvement is the original construction of

any street, road, lane, alley or avenue, such improvement, except as provided in Section 2839 of the Kentucky Statutes, as amended by this Act, shall be made at the exclusive cost of the owners of lots in each fourth of a square to be equally apportioned by the director of works, according to the number of square feet owned by them, respectively, and in such improvements the cost of curbing shall constitute a part of the cost of the construction of the street or avenue, and not of the sidewalk. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth, not exceeding five hundred feet, on both sides of said improvement to be assessed for the cost of making the same, including the cost of the improvement of the intersections, if any, of said public way, according to the number of square feet owned by the parties respectively within the depth, as set out in the ordinance. The legislative body shall have power by ordinance, recommended by the director of works, to cause the digging and walling of public wells and cisterns, and the placing of water-plugs and fire hydrants and attachments to street water pipes in the public ways, and to apportion the cost thereof exclusively against the owner of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located according to the number of square feet in such lots, or in any other equitable mode of apportionment which the legislative body may prescribe by ordinance, and in lieu shall exist against such lots for respective apportionment by the director of works, of the cost of digging and walling of public wells and cisterns, and the placing of water plugs and fire hydrants and attachments to street water pipes, with interest from the date of the apportionment at the rate of six per cent per annum until paid. The legislative body shall have power by ordinance, recommended by the director of works, to require

that water, gas and sewer services pipes shall be laid and constructed from the main pipes and sewer in any public way to each lot abutting on said public way before said public way is paved or repaved. Where the land abutting on said public way is not divided into lots, the director of works shall fix a reasonable distance fronting on said public way which shall constitute a lot for the purposes of this act, and to each of said lots shall be laid and constructed a water, gas and sewer service pipe. Such reasonable distance shall not be less than twenty-five feet. No water, gas or sewer service pipe shall be laid or constructed under this act, unless there be a water or gas main in said public way to which said service pipes are to be connected, nor shall any pipe be constructed under this act unless said public way is about to be paved or repaved. The cost of installation of each pipe shall be charged against the lot abutting on each public way which is served or to be served by such pipe, and a lien shall exist against such lot for the respective apportionment by the director of works of such cost, with interest at the rate of six (6) per cent per annum until paid. The installation of service pipes and sewers under this act shall be ordained by the legislative body in a special ordinance for that purpose, and the contract for the installation of such pipes may be separate from or a part of the contract for the improvement of the public way. The legislative body shall have power by ordinance recommended by the director of works to prescribe that such water and gas pipes shall be installed by the respective owners of the main pipes in the public way, at the cost of the respective owners of the abutting lots, and that such sewer service pipes shall be laid by the director of works, at the cost of the respective owners of the abutting lots; provided, however, that any gas company whose franchise requires said company to bear the expense of a service pipe from the main pipe to the property line of each improved lot, shall reimburse the owner of any lot which was unimproved when said public way was paved or repaved but who shall thereafter use the gas pipe

installed under this act to the extent of his expense theretofore incurred for the installation of said pipe. The legislative body shall prescribe by ordinance the necessary details for the purpose of carrying out the provisions of this act.

§ 70. That Section 2833a of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" in the fourth line thereof and inserting in lieu thereof the words "legislative body," and by striking therefrom the words "board of public works" in the fourteenth and fifteenth lines thereof and inserting in lieu thereof the words "director of works," so that when amended said section shall read as follows:

That when any public way, or other public improvement in any city of the first class in this Commonwealth, is ordered or directed, by ordinance of the legislative body of such city to be constructed, which, according to the provisions of the act for the government of that class of cities, may be lawfully constructed at the cost of the owners of the lots of ground adjacent to such improvement, or within the taxable limits therefor defined as provided in such act, any such real estate within such taxable limits is owned by the State of Kentucky, or is held in trust for the public use of the State, the proportionate part of the cost of making such public way or other public improvement shall be apportioned against the real estate of the State in like manner as against other lots of ground within such taxable limits, and apportionment warrant or statement thereof shall be certified by the director of works of such city to the Auditor of Public Accounts, who shall thereupon draw his warrant on the State Treasurer for the amount of such apportionment warrant or certified statement in favor of the person named therein as entitled to the amount thereof, and the State Treasurer shall pay said warrant drawn by the Auditor out of any money in the treasury not otherwise appropriated.

§ 71. That Section 2834 of the Kentucky Statutes (Carroll's Edition 1915) as amended by an act of the General

Assembly of the Commonwealth of Kentucky, the same being chapter 103 of the acts of the General Assembly of the Commonwealth of Kentucky for the year one thousand nine hundred and twenty, entitled "An Act to amend and re-enact Section twenty-eight hundred and thirty-four (2834) Carroll's Kentucky Statutes, Edition 1915, being Section seventy-one (71) of the Act entitled, 'An Act for the government of cities of the first class, approved July 1, 1893,' " be and the same is hereby repealed and, in lieu thereof, that said section as amended be re-enacted so as to read as follows:

A lien shall exist for the cost of original improvement of public ways, for the construction and the reconstruction of sidewalks, and for the digging and walling of public wells and cisterns; for the apportionment and interest thereon at the rate of six per cent per annum against the respective lots. Except as provided in Section 2839 of the Kentucky Statutes, as amended by this act, payment may be enforced upon the property bound therefor by proceedings in court; and no error in the proceedings of the legislative body shall exempt from payment after the work has been done as required by either the ordinance or contract; but the legislative body, or the courts in which suits may be pending, shall make all corrections, rules and orders to do justice to all parties concerned; and in no event, except as provided in said Section 2839, if such improvement be made as is provided for, either by ordinance or contract, shall the city be liable for such improvement, without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned in this act shall pass both boards of the general council at the same meeting, and at least two weeks shall elapse between the passage of any such ordinance from one board to the other; provided, however, that from and after the time that the present legislative boards cease to exist, and the election and qualification of the members of the new legislative body of such city, created and provided for by this act, no ordinance for any such improve-

ment shall be passed at a meeting of said body held earlier than two weeks after the meeting at which said ordinance was introduced; provided, further, that whenever in any action to enforce such lien, it shall be pleaded by the owner of any property and the court shall find that the amount apportioned against the property is greater than seventy-five per cent of its value, the court shall determine what is seventy-five per cent of such value, and adjudge a lien for that amount and interest, and the city shall pay the balance of the amount so apportioned out of the fund for general purposes.

§ 72. That Section 2836 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The director of works may, in his discretion, upon a petition of a majority of the property owners on the part of the public way proposed to be improved, grant them permission to improve said public way, under the supervision of, and within such time as may be fixed by, the director of works.

§ 73. That Section 2837 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby amended by striking therefrom the words "board of public works," in the third line thereof, and inserting, in lieu thereof, the words "director of works"; and by striking therefrom the words "board, or its deputy or deputies" in the fifth and sixth lines thereof, and inserting, in lieu thereof, the words "department of public works," so that when amended said section shall read as follows:

When improvements in public ways have been made, or public wells or cisterns dug and walled, and the contract therefor completed, the director of works shall, by one insertion in one of the daily newspapers published in the city, give notice of the time and place fixed for the inspection and reception of the work by the department of public works, and such owners, their agents and representatives, may appear

and be heard as to whether such improvements have been made in accordance with the ordinance authorizing the same, and the contract therefor.

§ 74. That Section 2838 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby amended by striking therefrom the word "comptroller" in the third line thereof and inserting, in lieu thereof, the words "director of finance," so that when amended said section shall read as follows:

In all actions to enforce liens, a copy of the ordinance authorizing the improvements or work, a copy of the contract therefor, and a copy of the apportionment—each attested by the director of finance—shall be prima facie evidence of the due passage, approval, and publication of the ordinance, of the due execution and approval of the contract, and shall also be prima facie evidence of every other fact necessary to be established by the plaintiff, in such actions to entitle him to the relief authorized to be given in this act. In such actions the court shall provide in its order confirming any report of sale that the defendants, or either of them, or any one claiming through or under them or either of them, or any creditors of theirs, or either of them, may within two years from the date of such order confirming a report of sale, redeem the land sold by paying to the purchaser the purchase price, with interest thereon from the day of sale, at the rate of six per cent per annum and all the taxes and assessments on and against such land paid by such purchaser, with interest thereon at the rate of six per cent per annum from the date of such payments; and in the event that there be no redemption within the time allowed, the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

§ 75. That Section 2839 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed and,

in lieu thereof, that said section be re-enacted so as to read as follows:

1. Except as hereinafter provided, the department of public finance, upon certification by the director of works of the inspection and acceptance of the work, shall make out all apportionment warrants for which liens are given for improvements of public ways, wells, cisterns, water plugs and sidewalks, as may be required by ordinance, and within two days thereafter shall enter the same upon a register kept in alphabetical order for that purpose. When the holder of said warrant shall have obtained payment, he shall notify the director of works and the director of finance to that effect, and it shall be marked upon the register as paid. The lien shall exist from the date of the apportionment warrant, but a lien shall not be valid against a purchaser for a valuable consideration without notice, unless it shall be so entered and registered within ten days of the issuing of the apportionment warrant.

2. (a) The legislative body may, in its discretion, provide by ordinance that any original construction of the streets, alleys and public ways of said city shall be made on the ten payment plan; and, thereupon, when any such improvement shall have been completed and accepted and the cost thereof apportioned to and an improvement tax therefor assessed and levied on the property liable for the payment thereof, as provided by law, or when and as such apportionment and levy may be otherwise made and provided for by ordinance in conformity with the law prescribing apportionments of special taxes of cities of the first class, but before such improvement shall have been made or accepted, the improvement tax therefor shall have been assessed and levied on the property liable for the payment thereof, the director of finance shall give notice by publishing on three separate days a notice of said assessment and levy in a newspaper of general circulation in said city requiring all persons to pay such improvement tax levied on their property within thirty days from the date

of the assessment of the costs thereof. Such taxes may, at the option of the property owners, be payable in cash without interest, within thirty days, or in ten equal installments as herein provided.

(b) Any property owner who desires to exercise the privilege of payment by installment shall, before the expiration of the said thirty days, pay in cash one-tenth of the assessment against him and enter into an agreement in writing with the city that in consideration of such privilege he will make no objection to any illegality or irregularity in the assessment, levy or imposition of said taxes against his property, and that he will pay the same in the manner herein provided. Any property owner entering into such an agreement or who exercises the option to pay in installments, shall be concluded thereby, and shall waive any defense against the payment of such taxes. Such agreement shall be filed in the office of the director of finance, who shall file, retain and record the same as a record of his office, and who shall furnish a copy thereof to the director of works, who shall preserve it as a part of the records of his office.

In all cases where such agreements have not been filed within the time limit, the entire tax shall be payable in cash without interest, at the expiration of said thirty days. Any such tax not paid within said thirty days shall bear interest at the rate of six per cent per annum from the date of said assessment and levy and shall be collected by said city by suit.

(c) If any property subject to such tax be owned by an infant or a person of unsound mind or by a life tenant, the agreement herein provided for may be executed by the statutory guardian of such infant or the committee or curator of such insane person, with the same effect as if executed by a person free from disability or by the life tenant.

(d) Unless persons, who in the aggregate are liable for at least one thousand dollars in excess of the cash payments made or provided for, exercise the option to pay on the install-

ment plan, said option shall cease and terminate and the said entire tax shall be payable in cash and collected as herein provided.

(e) In cases where the option to pay installments is exercised by persons who, in the aggregate, are liable for at least one thousand dollars after the first cash payment, the director of finance shall proceed as herein provided. The improvement tax, with interest at the rate of six per cent per annum, shall be paid to the director of finance as follows: One-tenth of the tax in cash, as hereinabove provided, and annually from and after the date of assessment, one-tenth of the entire tax, until the whole is paid. At the end of each six months from date of assessment, interest shall be due and payable for such six months on all unpaid installments of the tax except that the first installment of interest shall cover interest to maturity date of the first coupons on the bonds hereinafter provided for.

(f) Any person may, at any interest-paying period after the fifth installment of his tax becomes due, pay the entire balance on such assessment against his property, with accrued interest to the next succeeding interest period.

(g) It shall be the duty of the director of finance to mail to the last known address of the persons liable for such special tax a notice of the amount thereof falling due, ten days prior to the date on which any installments of such special tax shall become due; but the failure of persons liable for such special assessments to receive notice shall not exempt them from liability for such special tax, and shall in no way prejudice the collection of the assessments and interest, or the enforcement of the lien therefor.

(h) If any person liable for any part of said assessment defaults in payment of any installment of such tax or interest for one month after the same becomes due, a penalty of ten per cent of the installment in arrears shall be added thereto, which shall constitute a like lien as the tax, and all unpaid installments of such tax of such person shall, at the option

of the city or of any holder of a bond secured thereby, forthwith become due and payable, and it shall be the duty of said city, for the use and benefit of the owners of said bonds, to institute in its own name and at its own cost the proper proceedings for the enforcement of such lien. If the city fail to institute such proceedings for thirty days after notice of such default, any owner of a bond secured by such lien may in his own name for the use and benefit of himself and other owners of said issue of bonds, institute and prosecute such proceedings in any court of competent jurisdiction.

(i) It shall be the duty of the director of finance to promptly apply all money paid in on such installments to the payment of bonds and coupons which may be issued, as provided herein, in anticipation of the collection of such taxes. If the fund accumulated from the collection of assessments, interest and penalties for any particular improvement be more than sufficient to pay the principal and interest of the bonds issued in anticipation of such collection, the director of finance shall refund to each person paying said assessment a proportionate amount of the excess upon demand being made therefor by said person or persons within twelve months after the maturity or payment of the issue of such bonds, but if such persons do not present their claims to said excess within twelve months from the date of the maturity of payment of said bonds, such persons, or each of them, so failing to claim, shall be forever barred from any interest in said excess, and such amount so remaining in said fund shall be converted into the general purpose fund of said city. Failure on the part of the city to collect any such tax or installment thereof, when due, shall create no liability against such city.

(j) The legislative body may provide that any improvement contemplated in this act may be paid for in annual installments in any number of years, not exceeding ten, in which event the ordinance ordering the improvement shall specify the number of years in which the improvement shall be paid for; and all proceedings with reference thereto shall be the

same as herein provided, for the payment on the ten installment plan, except the necessary changes shall be made to conform the payments to the number of years specified by the ordinance, and corresponding changes shall be made in any bond that may be issued for the payment of such improvements, as provided herein.

(k) In order to provide a fund for the immediate payment of the cost of any improvement made on the installments payment plan as provided herein, the legislative body may issue and sell improvement bonds in anticipation of the collection of such part of the improvement taxes assessed and levied therefor as may not be paid within thirty days from the time of the assessment, pledging such taxes and the liens on the property for the payment of the principal and interest of such bonds, and apply the proceeds thereof exclusively to the payment for the particular improvement in anticipation of the collection of the tax for which the bonds are issued. Such bonds shall bear the date sixty days after the date of the assessment and levy of said taxes, and shall be made payable to bearer. The bonds for each separate improvement shall be numbered consecutively throughout, and shall be divided into nine series as nearly equal as practicable. The bonds with interest shall be payable at the office of the director of finance, as follows:

After the first payment of one-tenth of the assessment shall have been made in cash, at the time the property owner elects to pay on the installment plan, the remaining installments shall be due and payable one each year from and after sixty days from the date of the assessment of the special tax, together with interest as hereinabove provided, for nine years; and the first series of bonds shall be due and payable one year and sixty days after the date of the assessment of the tax, and the remaining series shall be due and payable one each year thereafter in regular consecutive order until each series have matured. Interest on all unpaid bonds shall be due and payable semi-annually at the end of each six months

from and after sixty days subsequent to the date of the assessment of the tax. The bonds shall be of the denomination of one hundred dollars or its multiple, provided that any odd amount over one hundred dollars or its multiple may be included in the last bond to mature. No bond shall be issued for less than one hundred dollars. All improvement bonds shall have the name of the street, alley or other public way, or part thereof, for the improvement of which they are issued, printed, engraved or written thereon, and shall state the character of the improvement. They shall bear interest at a rate not exceeding six per centum per annum from the date of the assessment of the said tax, and shall have suitable coupons attached thereto evidencing the semi-annual interest. The bonds shall be signed by the mayor and counter-signed by the director of finance, and the coupons shall be signed by the director of finance with his engraved or lithographed fac simile signature. The director of finance shall attest the signatures to the bonds under seal of the city. It shall not be necessary in such bonds to recite the steps taken in ordering the improvement or in making the assessments, but it shall be sufficient to make a general reference to such proceedings and to this statute. Such bonds shall be negotiable. and shall be exempt from all taxation and shall not be sold for less than par and accrued interest; provided, if no offer is made for said bonds equal to par and accrued interest, after publishing in a daily newspaper of said city at least one advertisement of the sale of said bonds, the city shall have the right to turn them over to the contractor in full payment of the contract price of the improvement for which they are issued, and they shall be received by the contractor in full satisfaction thereof. Any premium realized from the sale of such bonds and any penalties collected on delinquent installments of such taxes, as herein provided, shall go into the fund for the payment of such bonds and interest thereon. Said bonds and interest thereon shall be payable exclusively out of the funds actually paid to and collected by the city on account of the improve-

ment taxes in anticipation of which the bonds are issued, and the city shall in no event be liable on any such bond except to the extent of funds actually paid to it as above set out. Any and all such bonds shall be subject to payment and redemption at any interest period thereon that does not occur within four years from the date thereof; and the director of finance shall, when funds have accumulated from any such assessment sufficient to redeem bonds in excess of the next series falling due, by lot select from the next succeeding issues falling due thereafter, bonds of a par value equal to the excess in the said fund arising from said excess collections, and shall advertise the designation and numbers of said bonds so drawn at least once a week for four consecutive weeks prior to the next interest period, in a newspaper of general circulation in said city and that on said date said bonds will be redeemed at their par value and accrued interest. The bonds specified in such notice shall bear no interest after the date fixed for their redemption, and shall be paid when so presented for redemption. This provision shall be shown in substance on the bonds. Such bonds shall convey and transfer to the owners thereof all lien, right, title and interest in and to the assessments, taxes and liens upon the respective lots and parcels of ground, which liens, until released after payment, as herein provided for, shall stand as security for such bonds and coupons until they are paid. If any lots or lands be sold for the payment of any special tax or assessment thereon, or any installment thereof, or for any general municipal tax, such lots or lands shall not thereby be released from any other special tax or assessment, or installment thereof, existing thereon, unless the same be asserted in the action in which such lots or lands are sold. In any foreclosure suit brought by the city or any bondholder as provided herein, it shall not be necessary to make the other bondholders parties, but the proceeds of the suit shall be paid to the director of finance to be applied to the redemption of matured bonds in the same manner as if the same had been paid without suit.

In any such suit, an allegation, in substance, that the improvement or construction had been duly made and accepted and a special tax levied therefor and bonds for the unpaid portion of the cost had been issued pursuant to ordinances and proceedings duly enacted and adopted by the said city in accordance with law, shall be a sufficient pleading of such ordinances and proceedings without setting out the same in full or making further reference thereto.

The special tax, interest and penalties collected on account of any improvement or construction mentioned herein shall be kept in a separate fund, and shall be disbursed only in payment for such construction or in the redemption of the bonds issued therefor, and the director of finance or other officer having the custody of such fund shall be liable upon his general bond as such for the safekeeping thereof. The taxes, interest and penalties collected on account of the improvement or construction of any one street or unit shall be kept in a separate account and shall not be mingled with or merged into the funds arising from any other unit of construction.

For the purpose of issuing bonds as herein provided for, various streets or public ways, or parts thereof, may be combined and treated as one unit and may be covered by the issue of one or more series of bonds.

Should there be any deficit in the fund provided for the payment of the bonds herein mentioned, the legislative body may, from time to time, appropriate from the general funds of the city sufficient amounts to cover such deficit, and it may reimburse the general fund therefor out of any subsequent collections of special taxes, interest or penalties.

§ 76. That Section 2481 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Said board of park commissioners shall consist of six persons, to be chosen as hereinafter provided, and the mayor

of the city, who shall be ex officio a member of the board. Upon the expiration of the term of office of the three members of the present board, whose terms of office expire in the year 1923, the mayor shall appoint three members who shall hold office for a term of four years from the date of their appointment and qualification. Upon the expiration of the term of office of the other three members of the present board, whose terms of office expire in the year 1925, the mayor shall appoint three members who shall hold office for a term of four years from the date of the appointment and qualification. Thereafter all members shall be appointed by the mayor for a term of four years. No person shall be appointed, or, after appointment, shall continue to be a member of said board, or vote or act as such who is not a bona fide resident and housekeeper of the city, or who, after appointment, shall for ten days fail or refuse to take oath as herein provided.

§ 77. That Section 2842 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby amended by striking therefrom the word "elected" in the second line thereof and inserting in lieu thereof the word "appointed," and by striking therefrom the word "election" in the third line thereof and inserting in lieu thereof the word "appointment," and by striking therefrom the word "comptroller" in the last sentence thereof and inserting in lieu thereof, the words "director of finance," so that when amended said section shall read as follows:

The persons appointed as members of such board shall each, within ten days after appointment, make and subscribe oath before, to be attested by the county clerk or his deputy, to the effect that he will faithfully, diligently, and to the best of his skill and ability, perform all the duties of such park commissioner without favor or prejudice; that he is not subject to any of the prohibitions or disqualifications set out in this act; and that he will not be in any manner or to any extent, directly or indirectly, concerned in any contract, purchase, sale, salary, or emolument of any kind connected with

or growing out of any business of said board, or the providing, purchasing, condemning, managing, or improving of any park property, or in supplying any labor, material, or thing of service in respect to same, save as herein permitted. Such oath shall be filed with the director of finance of the city, and shall be a public record.

§ 78. That Section 2843 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby amended by striking therefrom the word "election," in the second line thereof, and inserting, in lieu thereof, the word "appointment," and by striking therefrom the word "comptroller" in the seventh line thereof and inserting, in lieu thereof, the words "director of finance," so that when amended said section shall read as follows:

Each commissioner shall likewise and within ten days of such appointment, execute bond in a sum of twenty-five thousand ($25,000.00) dollars, payable to the city, with good security, to be approved by the mayor, conditioned that he will faithfully perform all duties of a park commissioner for the city as prescribed by law; which bond shall, when approved by the mayor, be filed with the comptroller and inspector, and be a public record. For any violation by the principal in such bond of any duty as park commissioner, for any participation by him, directly or indirectly, in any contract or sub-contract in respect of park property or the improvement thereof, or the furnishing of supplies of any kind therefor, suit may be maintained upon such bond as against the principal and sureties, such suit to be brought in the name of the city, and any recovery shall inure to the benefit of the fund for park purposes.

§ 79. That Section 2844 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

All vacancies in said board shall be filled by appointment by the mayor, and all commissioners now holding office shall

continue to hold office until their successors are appointed and qualified, as provided by law.

§ 80. That Section 2853 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

For the purpose of providing necessary funds for the purchase, care and improvements of park property, and to meet the expenses of the board, the legislative body of the city shall, in each year, levy a tax of not less than five cents nor more than eights cents, upon each one hundred dollars of value of all the property within the city taxable for municipal purposes, which shall be collected as are other city taxes. The said taxes when collected and paid to the director of finance of the city, as provided by law, shall be paid over to the board and receipted for by its president.

§ 81. That Section 2854 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

For the purpose of raising money for the purchase or improvement of lands for park property, the legislative body of the city may, by ordinances, submit to the qualified voters of the city the question as to whether the city shall issue bonds, with interest coupons attached, to the amount and of the character set forth in such ordinances; and when such ordinance is passed, it shall, at the next November election, be submitted to the qualified voters of the city; and if it receives assent of two-thirds of those voting, the bonds so voted shall be issued by the city, and delivered to the board of park commissioners.

§ 82. That Section 2857 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby amended by striking therefrom the words "general council" in the first line thereof and inserting in lieu thereof the words "legisla-

tive body," so that when amended said section shall read as follows:

The legislative body of the city may, from time to time, upon application therefor made by the board, provide by ordinance for a special park police, the same to be under the control of the board of park commissioners, and to be paid by it.

§ 83. That Section 2860 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

1. The wharves and landings of cities of the first class shall be under the care and control of the department of public works of said city, which shall fix and receive reasonable charges to be paid for the use of the same. The said department shall keep the said wharves and landings in order, shall employ and fix the compensation of all persons employed in connection with the care and control of the same; and said wharves shall be under the immediate care and control of a superintendent of public wharves and an assistant superintendent of such wharves, to be appointed by the director of works, who shall prescribe the duties of said officers and fix their compensation as follows: The compensation of the superintendent of public wharves shall be not exceeding two thousand five hundred dollars per annum, and the salary of the assistant superintendent shall not be exceeding one thousand two hundred dollars per annum. The director of works shall appoint said officers as soon as practicable after the taking effect of this law, and the director of works shall have power to fill vacancies occurring in either of said offices.

2. The said department of public works shall have the power to lease and receive the rentals from any portion of the wharf property not needed for wharf purposes for the time being; but all leases shall provide for their cancellation whenever the property leased is, in the judgment of the said board, required for wharf purposes.

3. All moneys that shall be collected for the use of wharves, landings and leases, or any part of wharf property not needed for wharf purposes and all other money or moneys received by the superintendent of public wharves from said wharves, landings and leases, shall be paid into the department of public finance of the city at the end of each and every week, and placed by the director of finance to the credit of wharves. The salaries and expenses of operating the wharves and landings shall be paid out of said fund; and the net revenue derived from said wharves, landings and leaseholds shall be placed by the director of finance annually to the credit of the general purposes fund.

§ 84. That Section 2861 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

1. The department of public safety of said cities shall be under the supervision and direction of a director to be designated Director of Safety, and shall have exclusive control, under the ordinances of the legislative body, of all matters relating to the divisions of Police and Fire Departments, inspection of weights and measures and the City Pound, and such other matters as may be provided by Act of the General Assembly, or by ordinance.

2. The said department, for administrative purposes, shall be divided into divisions such as, Division of the Police Department, Division of the Fire Department and such other divisions as may be provided by ordinance. Each of such divisions shall be under the direction of a Chief or head appointed by the Director of Safety.

§ 85. That Section 2862 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

1. The Department of Public Welfare of cities of the first class shall be under the supervision and direction of a

director to be designated Director of Welfare, and shall, except as otherwise provided by law, have exclusive control, under the acts of the General Assembly and the ordinances of the legislative body of said cities, of all matters relating tot he provision for and the supervision of the care of adult and juvenile delinquents, dependents and persons mentally deficient; the investigation of conditions that develop dependency, delinquency and mental deficiency; the education of the public regarding such conditions and the adoption of remedial measures; the provision for and supervision of public amusements and the promotion of opportunities for healthful recreation in playgrounds and community centers; the supervision of public baths, comfort stations and cemeteries, the Detention Home, the Home for the Aged and Infirm, the City Workhouse; and may prescribe rules and regulations for the government and discipline of the inmates of the city's charitable and penal institutions, including in such rules general provisions for the deduction, for good conduct, from the time of persons confined in such penal institutions; and the supervision of the maintenance at the University of Louisville of classes in social welfare in order to provide trained workers for service in said department; and such other matters as may by ordinance be placed under the control of the said department not in conflict with any act of the General Assembly. The Director of Welfare shall have the power to organize the said department for administrative purposes into such divisions as may be necessary for the proper conduct of the business of said department, and to appoint heads or chiefs of such divisions who, under the supervision and control of said director, shall have the direction of such divisions.

2. The legislative body may, by ordinance, locate any of its institutions upon land now owned by the city, or to be hereafter provided for that purpose, anywhere in the county in which said city is situated, or may authorize the

said director to select the location of said institutions within the county.

§ 86. That Section 2863 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The Department of Public Health of cities of the first class shall be under the supervision and direction of a director to be designated Director of Health, and shall, except as otherwise provided by law, have exclusive control, under the acts of the General Assembly and the ordinances of the legislative body of said cities of all matters relating to the supervision of institutions safeguarding public health, including the city hospital, tuberculosis hospital, the pest house, the investigation of conditions that affect public health, the education of the public regarding those conditions and the adoption of remedial measures, the enforcement of all laws and regulations protecting public health, including laws regulating sanitation, milk inspection, meat inspection, live stock inspection, wells, drinking fountains, vaults, vaccination, quarantine, garbage disposal, ventilation and crowding, the maintenance of laboratories and clinics necessary for the promotion of public health, the maintenance of a psychiatric clinic, the use of which may be shared by the public schools and officials of the juvenile courts of counties containing cities of the first class, and shall have charge of the registration of births, marriages and deaths within the city, and the collection and publication of such statistical information as may be useful or necessary, and such other matters as may by ordinance be placed under the control of said department and not in conflict with any act of the General Assembly. The Director of Health shall have the power to organize said department for administrative purposes into such divisions as may be necessary for the proper conduct of the business of said department, and to appoint heads or chiefs of such divisions, who, under the

supervision and control of said director, shall have the direction of such divisions.

§ 87. That Section 2864 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed.

§ 88. That Section 2865 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The director of safety shall appoint a chief of policemen and a chief of firemen and the assistant chiefs.

§ 89. That Section 2866 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

1. There is hereby established in cities of the first class a civil service board consisting of four members, two of whom shall be members of the political party receiving the largest number of votes, and two of whom shall be members of the political party receiving the next largest number of votes, at the last preceding general election. The mayor shall appoint the members of the civil service board and the legislative body of said cities shall by ordinance fix the compensation and the bonds of said members. No member or officer of the legislative body shall be eligible to membership in said civil service board. The first members of the board shall be appointed as soon as practicable after this Act goes into effect and one member of said board shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years and one member for a term of four years, and upon the termination of said respective terms their successors shall be appointed for a term of four years each, and any vacancies occurring within the said respective terms shall be filled by appointment by the mayor as soon as practicable after such vacancy occurs for such unexpired term. Any member of said board shall be removable for neglect, incapacity or malfeasance in office by a two-thirds vote of the

legislative body, after written charges have been preferred by or made to said body, upon at least ten days' notice and public hearing. Members of the civil service board shall be at least thirty years of age, and shall have been residents and voters in said city for at least three years, and no member of said board shall be eligible for any appointive office in said city during or for one year after the term for which he was appointed a member of said board, except for re-appointment as a member thereof, and no member of the civil service board shall receive any money or other valuable consideration or present of any nature for any purpose whatever from any official or city employe or from any candidate for appointment or for examination or from any person whomsoever for or on account of the recommendation, proposed appointment or proposed promotion, of any person.

2. The civil service board shall employ a secretary and a chief examiner (but the same person may perform the duties of both offices) and such further examiners and such clerical and other assistance as may be necessary, and shall determine the compensation of all persons so employed, and the legislative body shall make an annual levy and appropriation to cover the reasonably necessary expenses of the civil service board.

3. The civil service board shall, after public notice and hearing, make, promulgate, and, when necessary, amend rules for the appointment, promotion, transfer, lay off, reinstatement, suspension, fine and removal of the personnel of the divisions of police department and fire department, excepting, however, the chiefs and assistant chiefs of said divisions, and shall report its proceedings and rules to the legislative body, the mayor and the director of safety.

Such rules shall, among other things, provide:

(a) For the standardization and classification of all positions and employments in said divisions, and the classification thereof into groups and sub-divisions shall be based upon and graded according to the respective duties and re-

sponsibilities thereof and so arranged as to promote the filling of the higher grades, so far as practicable, through promotion. All salaries shall be uniform for like service in each grade as the same shall be standardized and classified by the civil service board.

(b) For open competitive tests to ascertain the relative fitness of all applicants for appointment to said divisions and such tests shall be practicable and relate to matters which will fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek appointment. Notice of such tests shall be given not less than ten days in advance of public advertisement in at least one newspaper of general circulation and by posting a notice in the city hall.

(c) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination, and for the filling of places in said departmental divisions by the heads thereof by selection from not more than three candidates graded highest on such eligible lists, which lists shall remain in force not longer than one year.

In the absence of an appropriate eligible list any place may be filled temporarily by the heads of the divisions of the police and fire departments without examination for a period not to exceed sixty days, during which time the civil service board shall hold the necessary examinations for the filling of the place permanently, but persons may be temporarily employed for transitory work without examination for a period not to exceed sixty days and such employment shall not be renewed.

No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall be transferred to or assigned to perform any duties of any position subject to competitive tests unless he shall have been appointed to the position from which transfer is made as the result of an open competitive test equivalent

to that required for the position to be filled, or unless he shall have served with fidelity for at least two years immediately preceding in a similar position of the city. Each list of eligibles, with the respective grades, shall be open to public inspection.

Any person appointed from the eligible list and laid off for lack of work or lack of appropriation shall be placed at the head of the eligible list and shall be eligible for re-appointment for the period of eligibility as provided by the rules of the board.

(d) For a period of probation not exceeding six months before an appointment or employment is made permanent.

(e) For reinstatement on the eligible lists of persons who without fault or delinquency are separated from the service.

(f) For promotion from the lower grades to the higher, based upon records of efficiency and seniority to be furnished by the departmental divisions in which the person is employed and kept by said civil service board, or upon competitive promotion tests, or both.

4. Within six months after the civil service board has promulgated the rules herein provided for, all then members of the divisions of police and fire departments shall stand the examinations prescribed, and during said period and thereafter said examinations shall be open to all candidates, and all persons taking such examinations shall be graded, classified and their eligibility for service or continued service determined by the civil service board as herein provided, and all appointments, except as otherwise provided, shall be made by the heads of the divisions of police and fire departments from the eligible lists so created and certified by the civil service board. All persons appointed from the eligible lists shall be known as in the classified service.

5. No person in the classified service shall directly or indirectly give, solicit, or receive or be in any manner concerned in giving, soliciting, or receiving any assessment, sub-

scription or contribution for any political party or purpose whatever. No person whosoever shall orally or by letter solicit or be in any manner concerned in soliciting and assessment, subscription or contribution for any political party or purpose from any person holding a position in the classified service. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of appointment to any position within the classified service as a reward or return for personal or partisan political service. No person about to be appointed to any position in the classified service shall sign or execute a resignation dated or undated in advance of such appointment. No person in the classified service shall be suspended, laid off, demoted or promoted, or in any way changed in official rank or compensation, for withholding or neglecting to make any contribution of money or service or any other thing of value for any political purpose.

No person shall take part in preparing any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the classified service, and no person shall knowingly send or present, directly or indirectly, in person or by letter, any political assessment, subscription or contribution to, or request its payment by any person in the classified service.

No person in the classified service shall act as an officer of any political organization, or be a member thereof, or take any active part in any political campaign or serve as a member of the committee of any such organization, or circulate or seek signatures to any petition provided for by any primary or election laws, or act as a worker at the polls in favor of or opposed to any candidate for election or nomination to any public office, whether federal, state, county or municipal.

6. No question in any examination held hereunder shall relate to political or religious opinions, affiliations or service, and no appointment, transfer, lay off, promotion, reduction,

suspension, fine or removal shall be affected or influenced by such opinions or affiliations.

7. Any person who shall knowingly violate any of the civil service provisions of this Act, shall be guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment; and if such person be an applicant for examination he shall be excluded from such examination for one year thereafter, and if the name of such person be on an eligible list his name shall be removed therefrom, and if he be an officer or employe of the city, he shall be removed forthwith from the service and be ineligible for appointment for one year thereafter.

8. Any officer or employe in the classified service may be removed, suspended, laid off, reduced in grade or fined by the chief of the division in which he is employed, for any cause which will promote the efficiency of the service, but he must first be furnished with a written statement of the reasons therefor and be allowed a reasonable time for answering such reasons in writing, which answer, if he so requests, shall (so far as the same is relevant and pertinent) be made a part of the records of the division in which he is employed, and he may be suspended from the date when such written statement of reasons is furnished to him. No trial or examination of witnesses shall be required in such case except in the discretion of the director of safety to whom such officer or employe may appeal for review of the action of the chief of the division. In all cases provided for in this paragraph the action of the director of safety shall be final.

The civil service board shall also have the right to remove or reduce any person in the classified service upon written charges of misconduct, preferred by its own initiative or by any citizen but only after reasonable notice to the accused and full hearing. It shall be the duty of the civil service board to fix a minimum standard of conduct and efficiency

in each grade of the service, and whenever it shall appear to said board that the efficiency or eligibility of any employe in the classified service has fallen below the minimum such employe shall be called before the board to show cause why he should not be removed and if upon hearing no reason is shown satisfactory to the board, he shall be removed, suspended or reduced in rank by the head of the division as the board shall determine, and the judgment of said board shall be final and not subject to review in any court; but on the demand either of the accused or the accuser or by order of the board, any hearing of said board provided for herein, shall be public.

The civil service board shall have power to issue subpoenas attested in the name of the chairman to compel the attendance of witnesses upon any proceedings authorized by law or its rules or regulations.

§ 90. That Section 2867 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

The civil service board shall provide a manual of instruction for the study by persons who wish to acquire knowledge of the ordinances and charter of cities of the first class and such parts of the Constitution and Statutes of the State as relate to the duties of members of the police and fire departments of said cities.

§ 91. That Section 2868 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

The chief of policemen, in accordance with the tests, rules and regulations formulated and administered by the civil service board, and subject to such rules and regulations and orders, not in conflict with the rules and regulations of the civil service board, as may be prescribed by the director of safety, shall have exclusive direction and control of the police force of said cities.

§ 92. That Section 2870 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

The director of safety may, in case of need, appoint special police to do special duty at any place within said city, on such terms as he may deem proper and not in conflict with the civil service provisions of said city; and these special policemen shall be governed by such rules and regulations as said director may provide and be given such powers as said director allows; and in case no such rules are provided, they shall have the power and duties of ordinary policemen.

§ 93. That Section 2871 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed.

§ 94. That Section 2872 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby amended by striking therefrom the word "board" in the second line thereof and inserting in lieu thereof the words "director of safety," so that when amended said section shall read as follows:

No policeman or police officer shall be allowed, without the consent of the director of safety in each case, to receive any money, or gratuity, or compensation, in addition to his salary, for any service he may render.

§ 95. That Sub-sections 2 and 12 and 13 and 15 of Section 2872a of the Kentucky Statutes (Carroll's Edition, 1915), being Sections 2 and 12 and 13 and 15 of an Act approved March 18, 1912, entitled, "An Act to repeal 'An Act providing for the creation, control, and disposition of a fund to be used in pensioning, under certain conditions, policemen, and the families of deceased policemen, in cities of the first class,' approved March 3, 1904, and to provide for the appointment of trustees and the raising or creation, the management and disbursement, of a fund to be employed in pensioning, under conditions provided, policemen, and the familiesof deceased policemen, in cities of the first class," and Sub-sections 3 and

4 of said Section 2872a, being Sub-sections 3 and 4 of said Act, approved March 18, 1912, as amended by an Act entitled "An Act to amend and re-enact Sections 3 and 4 of the Act approved March 18, 1912 (Chapter 112, Page 372, Acts of 1912) entitled: 'An Act to repeal "An Act providing for the creation, control, and disposition of a fund to be used in pensioning, under certain conditions, policemen, and the families of deceased policemen, in cities of the first class" approved March 3, 1904, and to provide for the appointment of trustees and the raising or creation, the management and disbursement, of a fund to be employed in pensioning, under conditions provided, policemen, and the families of deceased policemen, in cities of the first class;' said Sections 3 and 4 of said Act being Sub-sections 3 and 4 of Section 2872a, Kentucky Statutes, Carroll's Edition of 1915" being Chapter 126 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1920, be and they are hereby amended so that when amended the said sub-sections shall read as follows:

Sub-section 2. That as soon as practical after the passage of this Act, there shall be organized in connection with the police department in all cities of the first class in this Commonwealth, a board to be known as the board of trustees of the policemen's pension fund, which board shall be composed of the mayor, the director of safety, the director of finance, the chief of police and the comptroller and inspector and said board shall select from its members a president and a secretary. The director of finance shall be ex-officio treasurer of said board, and of the funds coming into its hands. The members of said board shall continue members thereof until their respective successors are elected, or appointed, and qualified.

Sub-section 3. There may be levied and set apart by the legislative body of any cities of the first class in this Commonwealth, for the year nineteen hundred and twenty-three, a tax of not more than two cents on each one hundred dollars of value of taxable property in said cities for said year, as a

fund for the pensioning, as hereinafter provided, of members of the police department, and the families of deceased members thereof, in said cities, and a like tax may be levied and set apart for the same purpose for each succeeding year until said fund shall have reached the sum of three hundred thousand dollars as of date the first of September, preceding, in which event the levy of said tax shall cease; but should said fund thereafter, as of the first of September in any year, fall below the sum of three hundred thousand dollars, then said tax may be levied for the next succeeding year and for each year thereafter until said fund shall have again reached the sum of three hundred thousand dollars as of the first of September immediately preceding the time of making the usual tax levy in said cities, it being one of the purposes of this Act to permit the amount of said fund to be kept at all times as near as possible to three hundred thousand dollars. All moneys withheld from officers, members, or employes of the police department as punishments for any breach of discipline, misconduct or violation of the rules and regulations of said department shall be paid into said fund each month and credited upon the payroll of the department payable to said fund for that purpose, and all fines imposed by the director of safety upon officers, members or employes of the police department, by way of discipline, and collectible from pay or salary, shall be paid into the treasury to the credit of said fund. Such donations, together with the payments aforesaid and the tax levy aforesaid, shall constitute and be kept as a fund to be called the policemen's pension fund, and the board hereinbefore designated is hereby declared to be the trustee of said fund, and it shall have power and it shall be its duty, from time to time, to invest the same, in whole or in part, as it shall deem most advantageous, for the objects of the said fund; and it is empowered to take all necessary remedies in the premises.

Sub-section 4. Said board shall have exclusive control and management of said fund, and may assess each member

of the police department not less than fifty cents nor more than one dollar per month while he is such member, to be deducted and withheld from the pay of each member so assessed, the same to be placed by the director of finance of each city of the first class to the credit of such fund, subject to the order of the board.

Sub-section 12. The treasurer of the board of trustees shall be custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board, and the said books and accounts shall always be subject to the inspection of the board, or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such treasurer and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys, or other properties which may come into his hands as treasurer of said fund. Said bond shall be filed in the office of the comptroller and inspector as other bonds, and may be sued on in the name of said city, for the use of said board, or in the name of said board, or any person or persons injured by a breach thereof.

Sub-section 13. It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the director of finance of said city on request in writing by said board of trustees, to draw warrants on the director of finance of said city payable to the treasurer of said board of trustees, for all funds belonging to said pension fund as aforesaid.

Sub-section 15. The board of trustees shall make a re-

port to the legislative body of said city of the condition of said pension fund in the month of September in each and every year.

§ 96. That Section 2873 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The present police department of said cities is hereby continued under the department of public safety until such time as it shall be reorganized by the department of public safety in accordance with the provisions of the law creating said department, and the law creating a civil service commission for said cities.

§ 97. That Section 2874 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The director of safety is authorized and empowered to make, adopt and enforce rules, orders and regulations not in conflict with the rules and regulations of the civil service board, for the government, discipline, administration and disposition of the police department and police force and the members thereof. A copy of the rules and regulations, or any or either of them, of the division of the police department of the department of public safety, and of the civil service board of said cities, may, when certified by the director of safety, and a copy of the rules and regulations, or any or either of them, of the civil service board, when certified by the chairman of the said board, be given in evidence upon any trial, investigation, hearing or proceeding, in any court or before any tribunal, commissioner or commissioners, board or competent body, with the same force and effect as the original.

§ 98. That Section 2875 of the Kentucky Statutes (Carroll's Edition 1915) be and the same is hereby repealed and,

in lieu thereof, that said section be re-enacted so as to read as follows:

The director of safety is hereby authorized and empowered to issue subpoenas, attested by his signature, and to investigate, take evidence and hear any charge or charges made or preferred against any member or members of the police force, and to dismiss, remove, suspend or punish any member or members of said police force, subject, however, to the laws, rules and regulations governing the classified service.

§ 99. That Section 2876 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby amended by striking therefrom the word "board" in the first and fourth lines thereof and inserting, in lieu thereof, the word "department," and by striking therefrom the word "board" in the fifth line thereof and inserting, in lieu thereof, the words "department of public safety," so that when amended said section shall read as follows:

The department of public safety shall at all times cause the ordinances of cities of the first class, not in conflict with law, to be properly enforced; and it shall be the duty of said department at all times, whenever consistent with the rules and regulations of the department of public safety and the requirements of this Act, to furnish all information desired.

§ 100. That Section 2877 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

The department of public safety may, from time to time, establish, provide and furnish stations and station-houses for the accommodation thereat of members of the police force, and as places of temporary detention for persons arrested; and it shall also provide and furnish such business accommodations, apparatus and articles, and provide for the care thereof, as shall be necessary for the division at police department and the transaction of the business thereof. The

said department of public safety is hereby authorized and empowered to furnish vehicles, to be known as patrol wagons, to be assigned to police headquarters, which said vehicles shall be under the custody and care of the division of police department, and for the exclusive use thereof.

§ 101. That Section 2878 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby amended by striking therefrom the word "board" in the second line thereof, and inserting, in lieu thereof, the word "department," so that when amended said section shall read as follows:

In rural and sparsely inhabitated precincts the department of public safety may establish a mounted patrol, and procure and use and employ so many horses and equipments as shall be requisite for the purpose; and they may procure and cause to be used any teams and vehicles required, and may sell and dispose of, in accordance with law, any personal property owned or used in the department whenever it shall have become old and unfit and not required for service.

§ 102. That Section 2879 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

It shall be the duty of the members of the police force to promptly advise the director of safety of all threatened danger to human life or health, and of all matters thought to demand his attention, and to regularly report to said director of safety and ordinances and of the health laws, and all useful sanitary information to the director of safety, who shall, so far as the same may be pertinent, transmit such information to the director of health.

§ 103. That Section 2880 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

The police force shall consist of one chief of police, with the rank of colonel, and such assistant chiefs, with the rank

of major, and captains, lieutenants, sergeants, detectives and patrolmen, and employes as may be deemed necessary by the director of safety, and for which the legislative body shall have made appropriation.

§ 104. That Section 2881 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed.

§ 105. That Section 2882 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

No action, suit or proceeding, if any, either at law or in equity, shall be commenced or maintained against the city, department of public safety or any officer thereof, or against the mayor, or members of the legislative body, by any member or officer or former member or officer of, or belonging to the police force, to recover or compel the payment of any salary, pay, money or compensation, for, or on account of any service or duty, or to recover any salary, compensation or moneys, or any part thereof, forfeited, deducted or withheld for any cause, or to restore to or reinstate in the division of police department, any member or officer thereof, unless such action, suit or proceeding shall be commenced within six months after the cause of action shall have accrued.

§ 106. That Section 2883 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed.

§ 107. That Section 2884 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The director of safety shall designate the salary and compensation for each grade of officers, members and employes of the division of police department of said city, subject, however, to the gross amount of the appropriation made by the legislative body for the support of said division of police department. The compensation of the members, officers

and employes of the division of police department shall be payable monthly, by payrolls, as provided by ordinances.

§ 108. That Section 2886 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed and, striking therefrom the words "board of public" in the ninth line thereof, and inserting, in lieu thereof, the words "director of," so that when amended said section shall read as follows:

The chief of police and each captain of police within his district shall possess powers of general police supervision and inspection over all licensed or unlicensed pawnbrokers, venders, junk-shop keepers, junk boatmen, cartmen, dealers in second-hand merchandise, intelligence office keepers and auctioneers within the city; and in the exercise of and in furtherance of said supervision may, from time to time, empower the members of the police force to fulfill such special duties in the aforesaid premises as may be, from time to time, ordained by the director of safety. The said chief and each captain within his district may, by authority in writing, empower any member of the police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, or evidence to convict any person charged with crime, to examine the books of any pawnbroker, or his business premises, or the business premises of any licensed vender, or licensed junk-shop keeper, or dealer in second-hand merchandise, or intelligence office keeper, or auctioneer, or boat of any junk boatman. Any such member of the police force, when thereto authorized in writing, by the said chief or captain, shall be authorized to examine property alleged to be pawned, pledged, deposited, lost or stolen, in whosoever possession said property may be; but no such property shall be taken from the possession thereof, without due process or authority of law. Any wilful interference with the said chief or captain of police, or with any member of the police force, by any of the persons hereinbefore named in this section, whilst in official discharge of duty, shall be punished as a misdemeanor.

§ 109. That Section 2888 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby amended by striking therefrom the words "board of public" wherever same appear therein and inserting, in lieu thereof, the words "director of," so that when amended said section shall read as follows:

The director of safety may employ some person as clerk, who shall be designated property clerk, to take charge of all property alleged to be stolen or embezzled, and which may be brought into the police office, and all property taken from the person of a prisoner, and all property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be taken into the custody of any member of the police force or criminal court, or which shall come into the custody of any police officer, shall be by such member, or by order of said court, given into the custody of and kept by the property clerk of the police department. All such property and money shall be particularly described and registered by said property clerk in a book kept for that purpose, which shall contain the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the same, a description thereof, the names of all claimants thereto, and any final disposition of such property or money. The director of safety may prescribe regulations in regard to the duties of the clerk so designated, and require and take security for the faithful performance of the duties imposed by this section; but all animals strayed, lost or stolen, which shall come into the possession of said property clerk, shall by him be transferred and sent to the public pound in said city, anything herein contained to the contrary notwithstanding.

§ 110. That Section 2890 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby amended by striking therefrom the words "city treasury" in the twelfth line thereof, and inserting in lieu thereof the words "depart-

ment of public finance of said city," so that when amended said section shall read as follows:

If property stolen or embezzled be not claimed by the owner before the expiration of six months from the conviction of a person for stealing or embezzling it, the officer having it in his custody must, on payment of the necessary expenses incurred in its preservation, deliver the same to the property clerk. The property so delivered to said property clerk, and all such other property, securities, moneys, things, or choses in action that shall remain in the custody of the property clerk for the period of six months, without any lawful claimant thereto, after having been advertised for the period of ten days may be sold at public auction in a suitable room to be designated for such purpose, and the proceeds of such sales shall be paid into the department of public finance of said city to the credit of the police department. No property shall be delivered to the property clerk except as provided in this Act.

§ 111. That Section 2892 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The director of safety shall, on application of any person or persons, appoint any number of private policemen to do duty at any place within the city, at the charge and expense of the person or persons by whom such application is made; and said private policemen shall have the same qualifications as to citizenship as members of the regular police force, and said private policemen, so appointed, shall take an oath of office and shall furnish bond in the same manner as patrolmen, and shall wear such dress and insignia of office as the director of safety may direct. Said private policemen shall hold their appointment during good behavior. While holding such appointment they shall be restricted in the performance of their duties to the particular place and locality to which they may

be appointed. Such private policemen shall not be subject to civil service regulations.

§ 112. That Section 2893 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed.

§ 113. That Section 2894 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Each officer and member of the police force, private policeman, special policeman, and substitute policeman, before entering upon the discharge of his duties, shall take an oath before the director of safety to well and faithfully discharge the duties of his office, which oath shall be subscribed by the person taking it and shall be filed for preservation in the office of the department of public safety. All bonds for the police force shall be signed by at least two freeholders as sureties, who shall prove to the satisfaction of the director of safety that they own real estate within the county in which such city is located.

§ 114. That Section 2895 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby amended by striking therefrom the words "nor shall any member of said force belong to any political organization," at the end of said section, so that when amended said section shall read as follows:

No member of the police force shall be liable to military or jury duty, or to arrest on civil process, nor to be served with subpoenas from civil courts while actually on duty.

§ 116. That Section 2896a of the Kentucky Statutes (Carroll's Edition, 1915) as amended by an Act of the General Assembly, being Chapter 127 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year of 1920, entitled, "An Act to amend and re-enact Sections 3 and 4 of the Act approved March 18, 1912 (Chapter 122, Page 428, Acts of 1912) entitled: 'An Act to repeal Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33,

of an Act entitled, "An Act to amend 'An Act for the government of cities of the first class,' approved July 1, 1893, for the better government administration and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children, and dependent fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after a service of a term of year,' approved February 19, 1902, and to provide for the creation, control and disposition, through trustees, of a fund to be used in pensioning, under certain conditions, firemen and the families of deceased firemen, in cities of the first class; said Section 3 and 4 of said Act being Sub-sections 17 and 18 of Section 2896a of the Kentucky Statutes, Carroll's Edition of 1915," be and the same is hereby repealed and, in lieu thereof, that said section be reenacted so as to read as follows:

1. The government, administration, disposition and discipline of the division of fire department, and the officers, members and employes thereof, shall be such as the director of safety may, by rules, orders, and regulations, not in conflict with the rules and regulations of the civil service board, prescribe.

A copy of the rules and regulations or any or either of them, of the division of fire department or of the department of public safety, may, when certified by the director of safety, and the chief clerk of the division of fire department or the department of public safety, be given in evidence upon any trial, investigation, hearing or proceeding in any court or before any tribunal, civil service board, commissioner or commissioners, or competent body, with the same force and effect as the original.

2. The department of public safety may, from time to time, establish, provide, and furnish engine houses, and shall also provide and furnish such accommodations, apparatus, and articles, and provide for the care thereof as shall be neces-

sary for the division of fire department and the transaction of the business of said division. The department of public safety is hereby authorized and empowered to furnish all kinds of apparatus, wagons, horses and other necessary equipments for such houses, which apparatus, wagons, horses and other necessary equipments shall be under the control and care of said division of fire department, and for the exclusive use thereof.

3. The present fire department of said cities is hereby continued under the department of public safety until such time as it shall be reorganized by the department of public safety in accordance with the provisions of law creating said department and the law creating a civil service commission for said cities and thereafter.

The division of fire department shall consist of one chief and such assistant chiefs, captains, firemen and employes as the director of safety shall deem necessary to the efficiency of the division of the fire department and the director of safety shall fix the compensation to be paid in the several grades of services, subject, however, to the gross amount of the appropriation made by the legislative body for the support of said division, and the chief of such division shall make appointments and promotions only in accordance with the civil service regulations.

4. Subject to the rules and regulations of the civil service board, the director of safety shall have power, in his discretion, to punish any officer or employe of the division of fire department, by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension, or by dismissal from the force; but not more than thirty days' pay or salary may be forfeited or deducted for any offense.

5. Compensation of the officers, members and employes of the division of fire department shall be payable monthly, by payroll, as provided by ordinance.

6. No officer, member or employe of the division of fire

department shall be subject to military or jury duty, or to arrest on civil process, nor to be served with subpoenas from civil courts while on duty at a fire.

7. The officers, members and employes of the division of fire department, with their apparatus of all kinds, when on duty, shall have the right of way at any fire and in any highway, street or avenue, over any and all vehicles of any kind, except those carrying United States mails, and any person in or upon or owning any vehicle who shall refuse the right of way or in any way wilfully obstruct any fire apparatus, or any of its said officers, members or employes while in the performance of their duties, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

8. Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of an Act entitled, "An Act to amend an Act entitled, 'An Act for the government of cities of the first class' approved July 1, 1893, for the better government, administration and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children and dependent fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after a service of a term of years," approved February 19, 1902, be and each and all of said sections is, and are, hereby repealed.

9. There shall be continued as now organized by law, in connection with the division of fire department in all cities of the first class, a board, to be known as the board of trustees of the firemen's pension fund, which shall hereafter be composed of the mayor, director of safety, director of finance, chief of the division of fire department, and the comptroller and inspector, and said board shall select from its number a president and a secretary. The director of finance shall be, ex-officio, treasurer of said board and of the funds coming into its hands.

10. There may be levied and set apart by the legislative body of cities of the first class a tax for the year 1923, not exceeding two cents on each one hundred dollars of value of the taxable property in said cities for said year as a fund for the pensioning of crippled and disabled members of the division of fire department, and of the widows and dependent children under the age of fourteen years, and dependent fathers and mothers of deceased members of the division of fire department of said cities, and a like tax may likewise be levied and set apart for the same purpose, for any succeeding year when the amount and value of property to the credit of the firemen's pension fund falls below three hundred dollars as of the date of the first of September preceding; that is, if during any year succeeding nineteen hundred and twenty-two, there shall be to the credit of the firemen's pension fund on September first, property and funds of less than three hundred thousand dollars, then the legislative body of cities of the first class may levy and set apart for the year succeeding a tax of two cents on each one hundred dollars of value of the taxable property in said cities where said condition occurs for said year, as a fund for the purpose herein defined. And all moneys withheld from the officers, members or employes of the division of fire department as punishment for any breach of discipline, misconduct or violation of the rules and regulations of the division of fire department or of the civil service board, shall be paid into such fund each month and credited upon the payroll of the division of fire department, payable to said fund for that purpose; and all fines imposed by the department of public safety upon officers, members or employes of the division of fire department, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any officer, member or employe of the division of fire department (except when specially allowed by the department of public safety to be retained by such members) shall be paid into

treasury to the credit of the firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the firemen's pension fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and it shall have power, and it shall be its duty, from time to time, to invest the same, in whole or in part, as it shall deem advantageous for the objects of said fund, and said board is empowered to make all necessary contracts and to take all the necessary remedies in the premises.

11. Said board shall have exclusive control and management of the said fund, and all moneys donated, paid, or assessed for the relief or pensioning of disabled members of the division of fire department, their widows and dependent children under the age of fourteen years, or dependent fathers and mothers, and may assess each member and substitute of the division of fire department not less than fifty cents nor more than one dollar per month while he is a member or substitute of the division of fire department, to be deducted and withheld from the pay of each member or substitute so assessed, the same to be placed by the director of finance of each city to the credit of such fund, subject to the order of such board.

12. The said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decision on such applications shall be final and conclusive, and not subjected to revisions or reversal, except by said board, and a record shall be kept of all the meetings and proceedings of said board.

13. The said board of trustees shall have power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the firemen's pension fund, in interest bearing bonds of the United States or the State of Kentucky, or any city of the first class in the State of Kentucky, and all such securities

shall be deposited with the director of finance of said city as ex-officio treasurer of said board, and shall be subject to the order of said board.

14. Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this act.

15. If any officer, member or employe of the division of fire department, while in the performance of his duty, becomes temporarily totally disabled, physically or mentally, for service, by reason of service in the division of fire department, the board of trustees shall order the payment to such disabled officer, member or employe monthly, during such disability, not to exceed one year, from such pension fund, a sum equal to the monthly compensation allowed such officer, member or employe as salary at the date of his disability, provided such officer, member or employe, during the same period, is paid no salary as such officer, member or employe. If any member or employe of the division of fire department, while in the performance of his duty, becoming mentally or physically permanently disabled by reason of service in said division of fire department, so as to render necessary his retirement from service in said department, said board of trustees shall retire such disabled member from service in the division of fire department. Provided, no such retirement on account of disability shall occur unless said member has contracted said disability through his service in the division of fire department; and upon such retirement the board of trustees shall order the payment to such disabled member of the division of fire department, monthly, from such pension fund, a sum of thirty dollars per month. If any member of said division of fire department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall from any cause whatever as the result of his service, or after having served in the division of fire department for fifteen consecutive years shall die while in the service or on the retired list from any cause,

and shall leave a widow, or child or children under the age of fourteen years, or, if unmarried and childless, shall leave a dependent father or mother surviving, said board of trustees shall direct the payment from said pension fund, monthly, to such widow, while unmarried, of thirty dollars, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother, if said deceased member was unmarried, and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead, the father shall receive the entire thirty dollars, and if both be living, each shall receive fifteen dollars.

16. If, at any time, there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof, the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

17. Whenever an active or retired fireman shall die as aforesaid, the board of trustees may appropriate from the fund a sum not exceeding one hundred dollars to the widow or family for funeral expenses, and may expend a sum not exceeding fifty dollars for the expenses of the attendance of the firemen at said funeral.

18. No person shall be entitled to receive any pension from the said fund except a regularly retired member or a regular member in said division of fire department, his widow and children, under the age of fourteen years, and his dependent father or mother.

19. The treasurer of the board of trustees shall be the custodian of said pension fund, and shall secure and safely keep his books and accounts concerning said fund in such manner as may be prescribed by the board, and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond

to the city, with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and faithfully account for all moneys and properties which may come into his hands as such treasurer, and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurers of said fund. Said bond shall be filed in the office of the comptroller and inspector, and may be sued on in the name of said city, for the use of said board or in the name of said board, or any person or persons injured by a breach thereof.

20. It shall be the duty of such officer or officers of the city as are designated by the law to draw on the director of finance of said city, on request in writing by said board of trustees, payable to the treasurer of said board of trustees for all funds belonging to said pension fund as aforesaid.

21. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the board of trustees only upon warrant signed by the president of said board and counter-signed by the secretary thereof, and no warrant shall be drawn except by the order of the board after having been duly entered on the records of the proceedings of the board.

22. The board of trustees shall make a report to the legislative body of said city of the condition of said pension fund, in the month of September in each year.

23. No portion of said pension fund shall, before or after its order for distribution by the board of trustees to the persons entitled thereto, be held, seized, taken, subjected to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State, for the payment or satisfaction,

in whole or in part, of any debt, damage, claim, demand, or judgment against the beneficiary of said fund; but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

24. It shall be the duty of the attorney for cities of the first class to give advice to the board of trustees of the firemen's pension fund in all matters pertaining to their duties and management of said fund and whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board.

25. Said board shall organize as soon as practical after the passage of this act and take charge of all records, property and funds on hand or in process of collection as soon as realized, that belong, or pertain, to the firemen's pension fund, as now constituted.

All pensioners and beneficiaries under the laws hereby abolished, shall be continued as such by the board when organized under this act, if under the terms of this act, they would be entitled to apply for and receive pensions, or benefits, and said transferred pensioners and beneficiaries shall be subject to all the rates and provisions of this act in the same manner as if their claims had been originally allowed under same.

§ 117. That Sections 2897, 2898 and 2899 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same are hereby repealed and, in lieu thereof, that said Section 2897 be re-enacted so as to read as follows:

1. The office of comptroller of cities of the first class shall cease to exist when this act shall become effective and upon the appointment and qualification of a comptroller and inspector of said cities, as herein provided for, and all the powers and obligations and duties of said office of comptroller together with any right of action shall, except as other-

wise provided by law, immediately vest in the comptroller and inspector upon his appointment and qualification.

2. There is hereby established in cities of the first class the office of comptroller and inspector. The comptroller and inspector shall be chosen in the manner hereinafter provided and shall receive such compensation as may be provided by ordinance. Upon this act becoming effective the mayor of said city shall appoint a comptroller and inspector, who shall hold office until his successor is elected and qualifies, as herein provided. At the November election one thousand nine hundred and twenty-three, and every four years thereafter, there shall be elected, for the term of four years, by the qualified voters of cities of the first class, a comptroller and inspector. The comptroller and inspector shall be charged with the duty of making inspection of the management, operating methods, efficiency, accounts and accounting methods, and the results of operations of all departments, divisions, boards, commissions and institutions of said cities, and shall make reports of his inspections and recommendations for the betterment of the management of the affairs of the city. The said reports and recommendations shall be made to the mayor and the legislative body and shall be published. Each department of the city shall be so inspected at such times as the comptroller and inspector may elect but not less frequently than once in each fiscal year. He shall recommend rules and regulations in relation to all accounts, settlements and reports connected with the fiscal concerns of the city. If he shall ascertain that any liability is incurred or expenditure made from the funds of the city without due authority of law, or that any appropriation is overdrawn, he shall report such fact to the director of finance and the mayor. The comptroller and inspector shall have access to the books and other records of any department, division, board, commission or institution of the city government whenever he so desires, and he shall see that the accounts of the city are kept in a plain, methodical manner. He shall give bond to the city in the sum of not less

than twenty thousand dollars, approved by the mayor and legislative body. His bond shall be deposited with the mayor. The comptroller and inspector shall have a seat in the legislative body with the right to debate on any question, but shall have no vote. He shall perform any other duties that may be prescribed by law.

§ 118. That Section 2900 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

The comptroller and inspector shall have power to appoint such clerks as may be allowed him by ordinance.

§ 119. That Section 2901 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby, repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

1. The office of auditor of cities of the first class shall cease to exist when this act shall become effective and upon the appointment and qualification of the accountant, as herein provided for, and all the powers and obligations and duties now vested in said office and the encumbent thereof, together with any right of action, shall immediately vest in the accountant for said cities who shall be appointed as provided herein.

2. As soon as practicable after this act becomes effective, there shall be appointed by the director of finance of cities of the first class, an accountant, who, subject to the supervision and control of the said director, shall be the general accountant of said city, and as such it shall be his duty to receive for the director of finance, and there shall be preserved in the office of said director, all accounts, vouchers, documents and papers relating to the accounts of contracts of the city, its debts, revenues and other fiscal affairs, and he shall, where it is not otherwise provided for, draw all warrants authorized by law or ordinance on the city treasury, and shall discharge such other duties as may be delegated to and required of him by the director of finance. He shall give bond to the city

in the sum of five thousand dollars, to be approved by the mayor and legislative body. His salary shall be fixed by ordinance.

§ 120. That Section 2902 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

1. The office of treasurer of cities of the first class shall cease to exist when this act shall become effective, and upon the appointment and qualification of the director of finance of said cities, as herein provided for, and all the powers and obligations and duties of said office of treasurer, together with any right of action, shall immediately vest in the director of finance for said cities, and upon the appointment and qualification of said director, as provided by law.

2. The department of public finance of cities of the first class shall be under the supervision and direction of a director to be designated director of finance, and shall have control, under the acts of the General Assembly and the ordinances of the legislative body of said cities of all matters relating to the financial affairs of said cities, except those of the board of sinking fund commissioners, and buying supplies for the city, and such other matters as may by ordinance be placed under the control of said department and not in conflict with any act of the General Assembly. The director of finance shall have the power to organize said department for administrative purposes into such divisions as may be necessary for the proper conduct of the business of said department, and to appoint heads or chiefs of such divisions who, under the supervision and control of said director, shall have the direction of such divisions.

3. It shall be the duty of the director of finance to receive and keep all moneys of the city, and pay out the same on warrants drawn by the accountant and countersigned by the director of finance, or, in his absence, by the mayor. All moneys belonging to the city, received by an officer or agent

thereof, either from collections, loans, sale of bonds, fees, fines and penalties, or otherwise, shall be deposited in the city treasury regularly once a day, unless otherwise provided by law or ordinance; and in case the provisions of this section are not fully complied with, it shall be the duty of the comptroller and inspector to report any delinquencies to the mayor. The director of finance shall give duplicate receipts in all cases—one for the party paying and one for the comptroller and inspector—which shall set out the amounts paid, from what it proceeds, and to what account credited. His books shall at all times be open to the inspection of the mayor, the comptroller and inspector, or any member of the legislative body, and he shall report the balance in the treasury each day to the comptroller and inspector. He shall give bond, in the sum of twenty-five thousand dollars for the faithful performance of his duties, to be approved by the mayor and legislative body.

4. The director of finance shall make reports to the mayor and to the legislative body of the financial condition and requirements of the city, and careful statements and estimates of receipts and expenditures. The records of his office shall show the financial operations, conditions, assets and claims of the city, the expenditures authorized for public works, and all contracts, with the names of the contractors, in which the city is interested, and the bonded and other indebtedness of the city. He shall countersign all warrants drawn on the city treasury, and shall duly record the amount and nature thereof.

5. The director of finance shall have the custody of the city seal, the public records, and original rolls of ordinances of the legislative body, all original contracts not required to be filed elsewhere, and such deeds and certificates as relate to the title of any property of the city; all official, penal, indemnity or security bonds and such other records, papers and documents of value as are not required to be deposited with any other officer; all of which shall be registered by

numbers, dates and contents. He shall attest and certify all copies of such original documents, records and papers in his office as may be required by any officer or person, and may charge therefor to individuals, for the benefit of the city, such fees as may be provided by ordinance. He shall provide copies of all contracts in his office for any public officer who may be entitled to such copies.

He shall cause to be printed and filed and preserved in his office all ordinances passed by the legislative body. He shall have power to appoint such clerks as may be allowed him by ordinances.

6. The director of finance shall adopt a proper mode and manner of bookkeeping. He shall state and render all accounts between the city and any other person or body corporate, except when otherwise provided by law. He shall examine, adjust and audit all unsettled accounts, claims and demands against the city, for the payment of which any money be drawn from the city treasury; and after having examined the same, with all accompanying vouchers and documents, shall certify thereon the balance or true state of such claim or demand and countersign warrants on the treasury in payment thereof, but no such claim or demand, or any part thereof, shall be audited against the city unless it is authorized by law or by ordinance, and is in proper and fully itemized form, and unless the amount required for the payment thereof shall have been appropriated for that purpose by the legislative body. He may require a statement of accounts to be verified by affidavit. The accounts of the city, general and special, shall be kept in his office in a systematic orderly manner.

7. Unless otherwise provided by law, the director of finance shall have general supervision of the city assessor and the receiver of city taxes and the administration of their respective offices; and the powers and duties of the comptroller, in respect to the office of receiver of city taxes, shall hereafter be vested in, and imposed upon, the said director.

§ 121. That Section 2903 of the Kentucky Statutes (Car-

roll's Edition, 1915), be, and the same is hereby amended by inserting after the word "comptroller" wherever same appears therein, the words "and inspector;" and by striking therefrom the word "treasurer" wherever same appears therein, and inserting in lieu thereof the words "director of finance," so that when amended said section shall read as follows:

The mayor and director of finance shall annually select a bank or banks, or banking institutions, which will give the highest rate of interest for the current deposit of the city's funds, and which shall give and maintain a bond, to be approved by the mayor and director of finance, said bond to be conditioned for the safekeeping and prompt payment of said funds, or any part thereof, when demanded by the director of finance.

§ 122. That Section 2909 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

1. The department of law of cities of the first class shall be under the supervision and direction of a director to be designated the city attorney. It shall be the duty of the city attorney to give legal advice to the mayor, members of the legislative and all other departments, commissions, boards and officers of the city in the discharge of their official duties, and, if requested, he shall give his opinions in writing and they shall be preserved for reference. It shall be his duty to prosecute all suits for and defend all suits against the city and to attend to such other legal business as may be prescribed by the legislative body. He shall be a licensed practicing attorney at law of eight years practice and may receive a salary not to exceed five thousand dollars per annum, payable in monthly installments. The city attorney shall have the power to organize said departments for administrative purposes into such divisions as may be necessary for the proper conduct of the business of the said department and to appoint

heads or chiefs of such divisions who, under the supervision and control of the city attorney, shall have the direction of such divisions.

2. The present offices of city attorney and assistants to the city attorney shall cease and determine when this act shall become effective and upon the appointment of their successors as provided by law, and all the powers, obligations and duties now vested in said city attorney and assistants, together with any rights of action, shall immediately vest in the department of law and the city attorney and his assistants appointed as provided by law.

§ 123. That Section 2910 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

When this act shall become effective and upon the appointment and qualification of the city attorney, as herein provided, the said city attorney shall appoint such assistant city attorneys as may be necessary for the proper conduct of the business of said department, who shall be licensed practicing attorneys at law of not less than five years practice and shall discharge such duties as may be required of them by the city attorney or prescribed by acts of the General Assembly or by the legislative body or the mayor, in the preparation, prosecution and defense of all legal business of the city; and in addition to such assistants the said city attorney shall have the power to appoint and employ such clerks, agents and employes as may be necessary for the proper conduct of the business of the said department whose duties shall be such as may be prescribed by said city attorney, and as may be provided for by ordinance.

The salaries of said city attorney, assistant city attorneys, clerks, agents and employes of said department shall be fixed by ordinance, and shall be payable in monthly installments.

§ 124. That Section 2911 of the Kentucky Statutes (Car-

roll's Edition, 1915), be, and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

1. The judicial power of cities of the first class shall be vested in a police court, which shall be a court of record, and the officers thereof shall be a judge, a prosecuting attorney and a clerk. The judge of the police court shall be elected by the qualified voters of the city at the same times and places at which the mayor is elected and shall hold his office for a term of four years.

2. The present office of prosecuting attorney of the police court of said cities shall cease to exist when this act shall become effective and upon the appointment of the city attorney and assistant city attorneys, as provided for by law, and all the powers, obligations and duties now vested in the said office of prosecuting attorney, shall immediately devolve and be imposed upon the department of law and the city attorney and members of said department appointed as herein provided.

3. The present office of bailiff of the police court of said cities shall cease to exist when this act shall become effective. All of the powers, obligations and duties now vested in said office shall immediately devolve upon and be performed by the division of the police department of said cities and officers and members thereof as provided by law.

4. From and after the expiration of the term of office of the present clerk of the police court, the office of the clerk of the police court shall cease to be elective and shall become and be an appointive office. From and after the said date the clerk of the police court of said cities shall be appointed by the judge of the police court for a term of four years.

§ 125. That Section 2916 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby amended by striking therefrom the words "general council" in the sixth line thereof and inserting, in lieu thereof, the words "legis-

lative body," so that when amended said section shall read as follows:

Unless discharged by authority of law, any person arrested under a capias pro fine for a violation of the ordinances of the city shall be committed to the workhouse, and shall be there detained, subject to deduction of time for good behavior, until the judgment against him or her is satisfied by the payment of the fine, or is satisfied by his or her earnings by compulsory work, in or out of said workhouse, on such wages as the legislative body may allow. In cases of violations of the statutes of the state, the prisoner may be confined in the county jail, or in the city workhouse, as the judgment may prescribe.

§ 126. That Section 2917 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby amended by striking therefrom the words "city treasurer," and inserting in lieu thereof the words "director of finance," so that when amended said section shall read as follows:

All fines and recoveries realized in said court, whether the prosecution be in the name of the city or the Commonwealth, shall be paid to the director of finance as a contribution toward the expense of said court.

§ 127. That Section 2921 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby amended by inserting before the words "no fees" in the first line thereof the words "except fees for recording bonds as hereinafter provided," so that when amended said section shall read as follows:

No fees, except fees for recording bonds as hereinafter provided, shall be received by any of the officers of this court, and no costs shall be taxed against any person tried by said court.

§ 128. That Section 2926 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby amended, by striking therefrom the word "auditor" wherever same appears therein and inserting in lieu thereof the word "account-

ant," and by striking therefrom the word "treasurer" in the eighth line thereof and inserting in lieu thereof the words "director of finance," so that when amended said section shall read as follows:

The judge of the court shall annually have a vacation of two months, and during said vacation a compensation of the judge pro tem shall not be deducted from the salary of the regular judge. The clerk of the court shall certify to the accountant of the city the name of the judge pro tem and the term of his service, and the city accountant shall thereupon draw a warrant upon the city treasury for the amount of money due the judge pro tem, for the time he served on the bench and the director of finances shall pay the warrant.

§ 129. That Section 2928 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby amended by striking therefrom the words "general council" and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

The judge of said court shall never hold his court out of the room provided by the legislative body as a city court room, unless said room cannot be used.

§ 130. That Section 2930 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

The clerk of the police court may administer oaths as clerks of county courts may, and he shall be subject to the same fines and penalties to which they are subject, and for neglect or violation of his duties he may be removed by the judge of the police court and may be prosecuted or punished in the manner in which clerks of county courts are prosecuted or punished for neglect or violation of their duties. In addition to his other duties as clerk of the police court, said clerk shall take all bonds required by law to be taken or given by persons arrested in the city in which he is appointed, for their appearance before the proper tribunal; also all bonds or

recognizances required by law to be taken or given by or in the police court of said cities; and no person in custody shall be released therefrom before trial, unless bond be first given as herein required. The clerk of said court shall charge for his services in taking, receiving and recording said bonds the same fees as now allowed by law to clerks of the circuit courts for similar services rendered by them. Said fees shall be paid by the party for whom the services are rendered.

The judge of the police court may appoint such deputies of the clerk of the police court as may be needed and provided for by ordinance. Said deputy or deputies shall give bond the same as the clerk of the police court and are hereby given the same powers and duties as those given and imposed upon the said clerk. Said clerks shall keep a record of all bonds taken by them, showing the date, amount of bail, name of defendant and the charge under which the arrest was made; and all money received by said clerk and his deputies shall be paid into the treasury of the said city. Said clerk, or one of his deputies, shall be in his office at all hours, day and night, for the purpose of taking bonds. All bonds and affidavits shall be returned within twenty-four hours to the proper tribunal.

§ 131. That Section 2931 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

The clerk of the police court and his deputies shall receive no fees except as provided in Section 2930 of the Kentucky Statutes as amended by this act. The said clerk shall be paid a salary of thirty-five hundred dollars per annum. The deputy clerks of the police court shall be paid such salaries as may be provided for by ordinance. The salaries of the clerk and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid.

§ 132. That Section 2932 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and,

in lieu thereof, that said section be re-enacted so as to read as follows:

In case of any vacancy in the office of the clerk or deputy clerk of the police court during the term of office of the present clerk of police court in said cities, the judge of said court shall fill such vacancy. From and after the expiration of the term of office of the present clerk of the police court any vacancy in said offices shall be filled by appointment by the judge of the police court.

§ 133. That Section 2935 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and, in lieu thereof, that section be re-enacted so as to read as follows:

The city attorney, in any city of the first class, shall designate and appoint one of the assistant city attorneys of the department of law of said city as prosecuting attorney of the police court of said city, who, in addition to his duties as prosecuting attorney of said court, shall discharge such duties as may be imposed upon him by the city attorney. He shall have the qualifications, and take the oath, and come under the obligations prescribed for Commonwealth's attorneys, and his duties to the city and said court shall be similar to those of the Commonwealth's attorney in his circuit.

§ 134. That Section 2937 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed.

§ 135. That Section 2938 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

When said attorney fails to attend the sessions of the police court or to prosecute the parties brought before him, the judge of the police court shall report such failure to the mayor and to the city attorney; and thereupon it shall be the duty of the city attorney to appoint another member of the department of law of said city to serve as prosecuting attorney pro tem; and the person so appointed shall take the oath

of office prescribed for and perform all of the duties of the regular prosecuting attorney.

§ 136. That Section 2940 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and, in lieu thereof that said section be re-enacted so as to read as follows:

Upon this act becoming effective it shall be the duty of the chief of the division of police department of cities of the first class to place on duty in the police court of said city a policeman or policemen, whose duty it shall be to present at the sessions of said court to maintain order therein and perform such other duties as the court may direct. Such police, in addition to their powers and duties as members of the division of police department of said cities, shall have all of the powers, obligations and duties formerly vested in the bailiff of the police court.

§ 137. That Section 2941 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby, repealed.

§ 138. That Section 2942 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed.

§ 139. That Section 2943 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

The mesne and final process of said court shall be addressed to the policemen on duty in said court or to any sheriff, constable or policeman. In all cases the process shall run in the name of the Commonwealth of Kentucky, and may go to any county in the Commonwealth, and the policeman on duty in said court may execute it anywhere in the State, or may, subject to the approval of the chief of the division of the police department, appoint by indorsement on the process, a special policeman to execute it, and said special policeman's rights and powers shall be the same as those of the policeman on duty in said court appointing him. Policemen may execute any process delivered to them by any policeman on duty in

said court; and they shall have power to execute warrants of arrest, subpoenas, attachments and other process, whether the same be directed to them or not.

§ 140. That Section 2944 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

1. Upon the request of the judge of the police court of cities of the first class, the chief of the division of the police department of said cities shall detail such members of said division as may be needed to assist the policeman on duty in the police court in the performance of his duties in said court.

2. No policeman on duty in the police court shall receive any fees or extra compensation for the performance of his duties in said court in addition to or in excess of his regular salary as a member of the division of the department of police.

§ 141. That Section 2947 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby, repealed.

§ 142. That Section 2948 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

Immediately upon the passage of this act and appointment and qualification, as provided by law, of the director of health in each city of the first class, the said director of health shall appoint a meat inspector for such city, whose salary and duties shall be prescribed by ordinance of the legislative body. The said meat inspector shall have power to appoint, with the approval of the director of health, such deputies and assistants as may be necessary to properly conduct the business of his office. The salary of such deputies and assistants shall be prescribed by ordinance. The said meat inspector shall give a bond, with sureties, to be approved by the director of health.

From and after the appointment of said meat inspector the existing office of live stock inspector of cities of the first class shall cease to exist, and the term of office of the present incumbent shall cease and determine, and all the powers, obligations and duties now vested in said office and the incumbent thereof, either by act of the General Assembly or by ordinance, together with any right of action, shall immediately vest in the meat inspector of said city, appointed under and by virtue of this act.

§ 143. That the act entitled "An Act to amend charters of cities of the first class and to authorize cities of the first class to support by the levy of a tax or otherwise, a Municipal University," approved March 23, 1916, being Chapter 52 of the Acts of 1916, and now being Sections 2948a-1, 2948a-2, 2948a-3, 2948a-4, 2948a-5, 2948a-6, 2948a-7 of the Kentucky Statutes (Carroll's Edition, Vol. III, 1918 Supplement), be, and the same is hereby repealed, amended and re-enacted so that same will read as follows:

1. The legislative body of any city of the first class, which has a municipal university as defined in this act, may annually cause to be levied for support of such university a tax of not less than one cent nor more than three cents on each one hundred dollars' worth of property subject to taxation for city purposes, which tax shall be collected and paid to said city as provided by law.

2. A municipal university, within the meaning of this act, is a university established or supported in whole or in part by funds raised by municipal taxation and controlled by a board of trustees appointed by the mayor and legislative body of such municipal corporation and consisting of departments united under one organization or management, affording instruction in the arts, sciences and professions, and conferring degrees.

3. Such levy shall be made by the legislative body at the same time and in like manner as other levies for municipal purposes, and the amount levied shall be placed to the credit

of the university fund upon the completion of the assessment of property for taxation, as provided by law, and, when collected and paid to the city as provided by law, said amount shall be paid, subject to such discount as is allowed on other city taxes, in regular weekly installments, by the director of finance of said city to the treasurer of the university.

4. The legislative body of such municipal corporation having a municipal university may devote to university purposes from time to time any other funds not derived from taxes levied for a special purpose.

5. A municipal university shall be entitled to support under this act only when its chief work is the maintenance of courses of instructions in advance of, or supplementary to, the instruction maintained in high schools under control of the board of education.

6. The legislative body of such municipal corporation may set apart or appropriate as a site for the buildings and grounds of such a municipal university any public grounds of the city not specially appropriated or dedicated by ordinance to any other use.

7. An annual report and audit of receipts and disbursements of funds received by a municipal university under this act shall be made in addition to such other reports on the condition of the university as may be required by its charter.

Section 144. That subsection 2 of Section 2978a, of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby amended, by striking therefrom the words "general council" wherever same appear therein and inserting in lieu thereof the words "legislative body," so that when amended said subsection shall read as follows:

Sub-section 2. Every such board of education shall have exclusive control of the common schools, including kindergartens, high schools, manual training schools and normal schools as hereinafter provided, and of common school property in such city; shall exercise generally all powers in the administration of the common school system therein, appoint

such officers, agents and employes as it may deem necessary and proper and fix their compensation; and shall have power to fix the time of its meetings, to make, amend and repeal rules and by-laws for its meetings and proceedings for the government, regulation and management of the common schools and school properties in such city for the transaction of its business and for the examination, qualification and employment of teachers, which rules and by-laws shall be binding on such board of education and all parties dealing with it until formally repealed by an affirmative vote of four members of said board; to provide for special and standing committees, and to certify to the legislative body the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and personal, necessary for the purpose of public education, to build and construct improvements for such purposes, and to hold or sell the same.

§ 145. That sub-section 25 of Section 2978a of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby repealed, and, in lieu thereof, that said sub-section be re-enacted so as to read as follows:

Sub-section 25. To raise money for the maintenance of the schools the legislative body shall annually cause to be levied a tax of not less than thirty-six cents (.36) on each one hundred ($100.00) dollars of property assessed for taxation for city purposes, which tax shall be collected as provided by law. Upon the completion of the assessment of property for taxation, as provided by law, the amount so levied and collected shall annually be passed to the credit of the school fund, upon the books of the city, and said amount, so collected, shall be paid over to the board by the director of finance of the city, in regular monthly installments, the first payment to be made within one week after the collection and payment of said amount shall have been commenced, as provided by law, and the other payments to be made weekly thereafter in

current money by the director of finance as the same is paid to the city.

§ 146. That sub-section 28 of Section 2978a, of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby amended, by striking therefrom the word "State" in the second line thereof and inserting in lieu thereof the words "county and State in which said city is located," so that when amended said sub-section shall read as follows:

Sub-section 28. All officers of any city of the first class, and of the county and state, in which the city is located, concerned with the assessment and collection of taxes, fines and penalties, shall perform such duties relating to the levying and collection of school taxes and the collection of such fines and penalties, and the payment thereof to said board for school purposes, as are imposed by law upon such officers in relation to the levy and collection of school taxes and the collection of fines and penalties payable to the school funds; and nothing in this act unless inconsistent therewith shall be construed as repealing any existing law providing for the assessment and collection of school taxes in such city; and all powers and duties conferred by existing law upon any board in relation thereto shall be continued in the board created by this act.

§ 147. That Section 2978b of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is hereby amended by striking therefrom the words "general council" wherever same appear therein and inserting in lieu thereof the words "legislative body," so that when amended said section shall read as follows:

That in cities of the first class whenever the board of education shall deem it necessary for the proper accommodation of the schools of such city to purchase a site or sites or to erect schoolhouses for the high schools or for the other schools or to purchase land for the enlargement of existing school yards, or for any or all these purposes, and the annual funds raised from other sources are not sufficient to accom-

plish said purpose or purposes, and it shall deem a bond issue to be necessary therefor, said board shall make a careful estimate of the probable amount of money required for such purpose or purposes and it shall certify to the legislative body of said city the fact that an election for an issue of bonds for school improvements should be issued and the purpose or purposes to which the proceeds thereof shall be applied. It shall thereupon be the duty of the legislative body to adopt an ordinance submitting to the qualified voters of the city at the next regular municipal election the question whether bonds of the city to the amount specified shall be issued for school improvement purposes. The bonds so issued shall be designated as "School Improvement Bonds," and the ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear, and the total amount to be issued; and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest and a sinking fund to retire such bonds at maturity. No bond issue shall ever be for an amount exceeding the sum of one million dollars. The question to be submitted shall be so framed that the voter may by his vote answer for or against the issue of bonds.

It shall be the duty of the mayor of the city to see to it that all proper steps are taken to secure a vote of the people upon the question, conforming, as far as possible, to the proceedings in case of an election for members of the board of education in cities of the first class. If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of the board of education, who shall determine when and at what price and how they shall be sold:

Provided, That no such bonds shall be sold for less than par; and, provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the bonds are sold,

their proceeds shall be placed to the credit of the board in the same depositories which are selected for its other funds, but shall be kept in a separate account and shall be used only for the purpose for which the bonds were issued.

It shall be the duty of the legislative body to levy annually in its tax levy a rate that will raise a sum that shall be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. The said bonds, principal and interest, shall be a charge upon the sinking fund of said city, and it shall be entitled to have the annual tax that shall be levied as aforesaid.

§ 148. That Section 2984 of the Kentucky Statutes (Carroll's Edition, Vol. III, 1918 Supplement), be and the same is hereby repealed and that in lieu thereof that said section be re-enacted so as to read as follows:

For the purpose of assessment, the soil shall be known as "land," and everything attached thereto, or built thereon, shall be known as "improvements," and such "improvements," when owned by the tenant, may be assessed in his name apart from the land. Articles, other than land and improvements, shall be known as "personal property." The assessment of all the lands, improvements and personalty subject to an ad valorem tax under this act, in any city of the first class, shall be made at its fair cash value as of the first of July of every year.

§ 149. That subsection 3 of Section 3010 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" wherever the same appear therein and inserting, in lieu thereof, the words "legislative body," and by striking therefrom the words "on joint ballot," in the fourth line thereof; so that when amended said subsection shall read as follows:

3. The said commissioners, other than the mayor and president of the board of aldermen, shall be chosen for the term of three years and until their successors shall have

qualified. The legislative body shall in the month of October of each year, elect a commissioner of the sinking fund to fill the place of the commissioner whose term of service expires that year. In the event the lgislative body fail to elect in that month, then the election shall be made by the commissioners themselves. If the person elected at any election by the legislative body shall fail to qualify within ten days next after his election, he shall be regarded as declining to act, and the commissioners of the sinking fund shall elect a person to fill said vacancy at a regular meeting of said board. Nothing in this act shall in any manner interfere with the term of office of any commissioner now elected by the legislative body.

§ 150. That subsection 4 of Section 3010 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said subsection be reenacted so as to read as follows:

4. No one who is either a member of the legislative body, or an officer of said city, county or State, shall be eligible to said office of commissioner to be elected by the legislative body, and who does not possess the qualification required for members of the legislative body in cities of the first class.

§ 151. That subsection 6 of Section 3010 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "board of aldermen" and inserting in lieu thereof the words "legislative body;" so that when amended said section shall read as follows:

6. The said commissioners may be removed from office for malfeasance, or misfeasance, by the legislative body in the same manner as provided for the removal of executive and ministerial officers of cities of the first class.

§ 152. That Section 3011a of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" in the eighth line thereof and inserting in lieu thereof the words

"legislative body;" so that when amended said section shall read as follows:

That said section two hundred and twenty-five of said act for the government of cities of the first class, and the amendments thereto (being section three thousand and eleven of the Kentucky Statutes), be, and the same is hereby repealed and in lieu thereof the following shall constitute said section, so that the same shall read as follows:

Pursuant to the authority conferred by section two thousand nine hundred and eighty of the Kentucky Statutes, the legislative body may by ordinance provide, in addition to ad valorem taxation for licensing any business, trade, calling, occupation or profession, and the using, or holding or exhibiting any animal, article, or other thing, whether the same were or were not heretofore enumerated in any statute, and may fix in each case a license fee, all such fees to be paid into the sinking fund of such city.

This act shall in no way affect the validity of any license heretofore issued nor any penalty already incurred under any statute or ordinance requiring a license in such city.

§ 153. That Section 3017 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" in the third line thereof and inserting in lieu thereof the words "legislative body;" so that when amended said section shall read as follows:

Every business, profession, occupation, calling or subject herein provided to be licensed, where the maximum and the minimum sum for the license is herein fixed, the legislative body may grade and class the respective subjects of license, and fix the rate of licenses for each grade or class at or within the maximum rates herein provided for such subjects respectively. In granting licenses the treasurer and secretary of the sinking fund shall, from the oath of the applicant or other evidence, ascertain the grade in which such applicant should be licensed; but said applicant shall have the right, within

ten days, to appeal, in writing, to the commissioners of the sinking fund from the action of the treasurer and secretary, and the commissioners shall have power to determine in which grade the applicant shall be placed. In all cases where the amount of license to be paid by any person, firm or corporation is based upon, or regulated by, the amount of sales made or business done, such person, firm or corporation shall render a sworn statement to the treasurer and secretary of the sinking fund of the total amount of sales made or business done by them respectively during the preceding year, which statement shall be considered in determining the amount for which such license shall be issued.

§ 154. That Section 3024 of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "city treasurer" in the third line thereof and inserting in lieu thereof the words "director of finance;" so that when amended said section shall read as follows:

The commissioners of the sinking fund shall, at the end of each fiscal year, pay to the director of finance any revenue remaining after paying the current expenses of such year, and the interest accruing in said year, and setting apart for the sinking fund a sum equal to five per cent of the principal of the bonded debts chargeable against the sinking fund.

§ 155. That subsection 7 of Section 3024a of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" in the second line thereof and inserting in lieu thereof the words "legislative body;" so that when amended said subsection shall rad as follows:

7. The legislative body of any such city of the first class shall have the authority, by ordinance duly enacted, to fix such reasonable terms and conditions upon which such board of water works shall exercise its right to cut into the streets, alleys or other public ways of the city, and it shall be the duty of the board of water works to observe the same.

§ 156. That subsection 10 of Section 3024a of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "general council" in the seventh line thereof and inserting, in lieu thereof, the words "legislative body;" so that when amended said section shall read as follows:

10. Said board of water works shall have the authority to establish and enforce such reasonable rules and regulations for its own government, including the signing and execution of the contracts referred to in Section 5 of this act, as it may deem expedient: Provided, however, that said board shall make quarterly a financial statement, showing its liabilities, receipts and expenditures, and deliver a copy thereof to the legislative body of the city, same to be spread upon its minutes. The books and accounts of said board shall at all times be open to inspection and examination by the mayor of the city and the commissioners of the sinking fund through their duly appointed agents.

§ 157. That the Act entitled "An Act to enable cities of the first class to construct additions and make more perfect their systems for the disposition of sewerage, and to amend and re-enact Section 14 of an act entitled, 'An Act to enable cities of the first class to construct an extension to their systems for the disposition of sewerage,' approved March 18, 1912," approved March 23, 1920, being Chapter 86 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year one thousand nine hundred and twenty, be and the same is hereby repealed, amended and re-enacted, so that when repealed, amended and re-enacted the same will read as follows:

1. When this act shall become effective and upon the creation of the department of public works and the appointment and qualification of the director thereof, in any city of the first class, the sewerage commission in said city, appointed according to law, and as constituted, except as herein provided, at that time, shall co-operate with said department of

public works. From and after said time the mayor of said city shall cease to be a member ex-officio of said commission and the director of works shall thereupon become and be a member ex-officio thereof. Upon the expiration of the terms of office of the present appointed members of said commission, and thereafter, the director of works of said city may appoint four persons, who, with the said director as a member ex-officio, shall constitute said commission. Of such appointees two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city and be the owner in his own right of real estate. No officer or employe of the said city, whether holding a paid or unpaid office, shall be eligible for appointment to the city commission. Such appointees shall be subject to the approval of the mayor and the legislative body. The term of office shall be four years, but if the work herein provided for is sooner completed, such term of office shall expire at such completion. If such work is not completed at the expiration of such term of office, the commission shall be continued by appointments made in the same manner as hereinabove provided. If any vacancies occur they shall be filled for the unexpired term by appointments made by the director of works in the same manner as above provided.

2. The persons appointed as members of said commission shall constitute a body corporate under the name of the commissioners of sewerage of such city, and shall have capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter same at pleasure. Said commission shall elect a chairman from the appointed members. It shall also elect, by a majority vote, a chief engineer, not a member of the commission, but such chief engineer shall be removable at the pleasure of a majority of the commission. It shall also, by a majority vote, elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of a majority of the

commission. The commission may appoint such clerks, agents or assistants as it may deem expedient and fix their compensation. The chief engineer shall give his entire attention to the affairs of the commission and shall receive as compensation a salary to be fixed by the commission, not exceeding five thousand dollars per annum. The appointed members of the commission shall each receive a salary, to be fixed by the legislative body not exceeding four thousand dollars per annum for the chairman, and two thousand dollars per annum for each of the others. The secretary and treasurer shall receive a salary, to be fixed by the commission, not exceeding thirty-five hundred dollars per annum.

3. It shall be the duty of the commission to make a study of the present and ultimate needs of the city, having in view the growth of the city, and the extension of its boundaries, for both sanitary and storm water drainage. After a comprehensive study has been made, the commission shall determine what work should be done to improve the different districts of the city, and shall detail proposed construction of combined sewers, separate sewers and storm drains and improvement of water courses. To aid in the study, the commission may employ such experts' advice and consulting engineers as it deems wise, and pay such reasonable compensation for their services and expenses as the commission may determine.

4. The chairman, chief engineer and secretary and treasurer of the commission, shall each give bond, with approved surety, in such sum as may be fixed by the commission, which bond shall be payable to the commission and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands.

5. When the commission shall have determined the additions to the sewer system which it deems best fitted to meet the needs of the city and has outlined it in as much detail as is practicable, it shall report the same to the mayor and

to the department of public works with a description of the general plan and its probable cost. The mayor shall lay this report before the legislative body and the plan recommended by the commission shall be adopted and carried out by the commission, unless the plan recommended by the commission shall, within thirty days after it has been received by the legislative body, be rejected and disapproved by two-thirds vote of all the members of said body. If the legislative body rejects the plan recommended by the commission, the council shall return the plan recommended by the commission with their criticism and suggestions. The commission shall thereupon make a further study and thoroughly examine the recommendations of said body and prepare an alternative plan in accordance with what on their further study appears in their judgment to be the best interest of the city. The commission shall then present the alternative plan to the mayor and to said department to be submitted to the legislative body. At any time within thirty days after the submission of the alternative plan to the mayor the legislative body may consider it, and if it shall receive the two-thirds vote of all the members of said body, it shall be adopted, but if it fails to receive the necessary two-thirds vote within the said thirty days, then said commission with the approval of the mayor shall have the right to choose a system and carry it out. The legislative body shall have no power to vary any system proposed and presented by the commission, but must adopt one of those reported in its entirety.

6. Said commission shall have power and authority to carry out the purposes of this act, among which powers, shall be the following, that is to say: First, to make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual projection, construction and establishment of additions to and making more perfect the system of sewerage. Second, to construct and establish all such local, district, lateral, intercepting, out fall or other sewers and all such conduits, drains and pumping

or other plants, and all such buildings, structures, work, apparatus or agencies, and to lay all such mains and pipes within the said city or in the county in which said city is located, as it may deem expedient for carrying said system of sewerage projected and adopted into full effect. Third, to incorporate with said sewerage extension or otherwise utilize for the purpose of this act, so far as it may deem expedient, any or all public sewers or drains, including storm water sewers, drains and water courses and any and all of their appurtenances, either in their present condition or with such repairs, modifications or changes as said commission may see fit to make, and to enlarge, extend or improve, or to condemn, close up, abolish or destroy in its discretion, any or all such existing public sewers, drains or water courses or to alter their functions or to increase their burdens as it may think best. Fourth, besides the chief engineer, the commission may appoint or employ such other professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensation and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper. Fifth, to establish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management, and conduct of its work as it may deem expedient. Sixth, to make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act. Seventh, to purchase, hire or otherwise obtain the use of all such machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes; Provided, that this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers here-

inbefore conferred upon the commission.

7. Said commission may acquire by gift, purchase, or lease, or by condemnation, any land or property situated wholly or partly within the city or within the county in which such city is located or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, establishing, maintaining and operating such sewerage system. The method of condemnation of property shall be the same as that providing for the condemnation for appropriate municipal purposes by cities of the first class.

8. All individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracts, or other physical obstructions in, over or upon the public streets, lanes, alleys, or highways, which shall interfere with or impede the progress of said sewerage system when in process of construction and establishment, shall, upon reasonable notice from said commission, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense, as fully to meet the exigencies occasioning such action, and the legislative body shall have full power, by ordinance, to prescribe the penalty for such failure.

9. All work done or supplies or material purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder. All bids or parts of bids, for any such work or supplies, may be rejected by said commission. The commission may, however, with the consent of four of the members, itself do any part or parts of its work under such conditions as it may prescribe by day labor when the chief engineer, in writing, shall recommend that course.

10. And when any portion of said sewerage system shall be complete and ready for active operation, the commission shall restore the street, alley, or other public way through which said completed work extends, to its original condition as near as practicable and may then notify the department

of public works and turn over said completed portion to such department, and the same shall thereafter be under the exclusive control of said department.

11. In order to provide money for the projection, construction and establishment of said sewerage system, the legislative body may adopt an ordinance submitting to the voters of the city, at any regular election held in such city, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be then issued, and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity. Said ordinance for the submission of the question of issuing bonds to the people may be adopted by the legislative body either prior or subsequent to the selection of the system to be used in the construction of said sewerage system. The total amount of bonds to be issued under this act shall not exceed five million dollars.

12. If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of said commission, who shall determine when and at what price and how they shall be sold. Provided, that no bonds shall be sold for less than par; and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold their proceeds shall go to the credit of the commission, in the same depositories which are selected for the deposit of the funds of the sinking fund commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the commission, countersigned by the chairman, accompanying a voucher approved by the chief engineer.

13. All disbursements of the commission, including compensation to its members, or officers, engineers, agents, and others employed by it shall come out of the proceeds of the sale of the said bonds; provided, however, that the commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the repayment of all money so borrowed, and provided that in the event the said ordinance to be submitted to the people is not adopted by them, then on the first day of January following such rejection, the powers herein granted to the said commission shall cease and said commission shall stand dissolved.

14. If the issues of the bonds for only a part of the five million ($5,000,000) dollars is voted on and made at the first election held under Section 11 of this act, the legislative body may pass as many other ordinances and submit to the vote, the question of issuing bonds at as many other regular elections held in the city as it may see fit until bonds to the amount of five million ($5,000,000) dollars are authorized and issued.

If at the time any new issue of bonds is authorized a commission exists under this act it and its successors shall continue the work provided for in this act until it is completed. If no commission exists at the time any bond issue is authorized hereunder, then a new commission may be appointed.

The provisions of this act shall apply to each new issue of bonds and to each new commission and the continuance of the work of the commission and to the carrying out of the purposes of this act the same as in the first instance.

15. Upon the dissolution of said commission as provided in section thirteen, or upon its dissolution growing out of its completion of the work and the consequent expiration of the term of the members of the commission, all property, real, personal and mixed, franchises, easements, maps, plans, books

and papers, shall by operation of law, and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the commission, and second, the balance, if any, to be paid into the hands of the commissioners of the sinking fund of such city, to be used by them as a sinking fund for the bonds hereinbefore provided for; provided, however, that if there shall be established before the dissolution of the commission, a new commission for the construction of additions to, and making more perfect the systems of sewerage, then upon the dissolution of this commission, all property, real, personal and mixed, franchises, easements, maps, plans, books and papers shall on its dissolution by operation of law, and whether acquired by gift, purchase, condemnation or any other method vest in and become the property of said new commission, and all money then in the hands of the former commission shall on its dissolution, be by it turned over to said new commission to be used first, to defray any and all liabilities which have been incurred by the former commission, and second, the balance to be expended in projection, construction and making additions to and perfecting the sewer systems.

§ 158. That Section 3037a of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended and re-enacted, so that same, when amended and re-enacted, will read as follows:

1. That in counties in this Commonwealth which contain a city of the first class, there shall be created a board to be composed of ten persons, which shall be a body politic and corporate, and shall be known as the board of "Tuberculosis Hospital," and in which name it may sue and be sued.

2. When this act becomes effective, and upon the creation of the department of public health and the appointment and qualification of the director thereof in any city of the first class, the board of tuberculosis hospital in said city appointed according to law and as constituted, except as herein

provided, at that time, shall co-operate with said department of health.

Upon the expiration of the terms of office of the present appointed members of said board, and thereafter, the members of said board shall be appointed by the director of health of said city, subject to the approval of the mayor, and shall serve without compensation, and said members shall be appointed for a term of four years.

From and after the appointment and qualification of a director of health, as provided by law, the mayor of said city shall cease to be a member ex-officio of the board of tuberculosis hospital, and the said director shall thereupon become and be a member ex-officio thereof.

3. Said board shall have the power to organize and elect officers, rent or purchase, or to erect, and to conduct and maintain a suitable hospital and ground for the treatment of persons afflicted with tuberculosis, and to make all needful rules and regulations, with reference to the admission and discharge of patients and the conduct of the affairs of the hospital, which, in their judgment, seem proper, provided such regulations be not in conflict with the law.

4. The director of health of said city, subject to the approval of the mayor, shall have power to fill any vacancies which may occur in the membership of such board through death, resignation or otherwise, by appointing some other person to fill out the unexpired term for which he was appointed.

5. For the purpose of meeting the expenses necessary to carry out the purpose of this act, the fiscal court of the county and the municipal board of the city in which such board shall exist are authorized, empowered and directed each to levy a tax not to exceed five cents and not less than one-half a cent on the one hundred dollars of taxables in their respective cities and counties, and the sums derived from said taxation are to be paid over to the said board for the purposes herein set forth.

6. Said board of tuberculosis hospital shall be authorized to provide for the instruction and training of nurses and to issue diplomas to such pupils of good moral character as have attended its courses of instruction and been engaged as nurses in its hospital or under its charge for a period or periods aggregating not less than twenty-four months and who have also passed with credit an examination proving their competency as such trained nurses to the satisfaction of said board.

§ 159. That subsection 3 of Section 3037f of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and, in lieu thereof, that said subsection be re-enacted so as to read as follows:

3. There shall be in every city of the first class in this State, a board of examiners of plumbers, consisting of four members, two of whom shall be master plumbers and two of whom shall be journeymen plumbers. Upon the expiration of the terms of office of the present members of said board, appointed as provided by law, and thereafter annually before the first of May, the members of said board shall be appointed by the director of health of said cities, subject to the approval of the mayor, for the term of one year, and shall be paid from the treasury of said city the same as other officers in such sums as the legislative body may prescribe, but in no case shall the salaries or fees of the aforesaid board exceed fifty per cent of the fees collected for examinations as hereinafter provided for. No person shall be eligible as member of this board who has not served a regular apprenticeship and worked as a practical journeyman for a period of five years or more.

§ 160. That subsection 6 of Section 3037f of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and, in lieu thereof, that said subsection be re-enacted so as to read as follows:

6. The board constituted as above set forth shall be further charged with the duty and vested with the power to

formulate a code of rules regulating the work of plumbing and drainage in the city for which the board is appointed and serves; said regulations to include the materials and workmanship and manner of executing the work connected with plumbing and drainage. The board may, from time to time, add to, amend or alter such rules.

The director of health may approve or disapprove the code of rules, or any amendment or alteration thereof, recommended by said board.

§ 161. That subsection 8 of Section 3037f of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and, in lieu thereof, that said subsection be re-enacted so as to read as follows:

8. Upon the expiration of the terms of office of the present chief plumbing inspector and deputy inspector or inspectors of any city of the first class, appointed as provided by law, and thereafter annually before the first of May, the director of health shall appoint one chief plumbing inspector and such number of deputy inspectors as the legislative body of said city may prescribe. Said city plumbing inspector and deputy inspectors shall be appointed for a term of one year, and shall be paid from the treasury of said city such salary as the legislative body may prescribe. The duty of such officers shall be to inspect all plumbing and drainage done in their respective cities, and to enforce the provisions of this act and secure the proper performance of such work. The chief inspector shall preside at all meetings of the examining board and shall take part in the proceedings whenever said board may have under consideration the formation and submission of rules and regulations governing the work of plumbing and drainage to be submitted to the director of safety. Said inspector shall also have the deciding voice and vote on all matters connected with the examination of applicants and granting of certificates whenever the remaining members of said board are unable to agree. No persons shall be eligible to the office of plumbing inspector unless he have

at least ten years experience in the business of plumbing, and he shall not be connected in any way with any firm or corporation directly or indirectly engaged in the business of plumbing, and shall be a citizen and actual resident of the city in which he acts.

§ 162. That subsection 9 of Section 3037f of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby amended by striking therefrom the words "by the city or board;" so that when amended said subsection shall read as follows:

9. The plumbing and drainage of all buildings, both public and private, shall be executed in accordance with the provisions of this act and the rules and regulations adopted as herein provided; and all repairs and alterations in plumbing and drainage of all buildings shall be executed in accordance with said law, rules and regulations.

§ 163. That subsection 10 of Section 3037f of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed and, in lieu thereof, that said subsection be re-enacted so as to read as follows:

The division of plumbing of every city of the first class in this State, consisting of the examining board, the chief inspector and his deputies shall be under the supervision of the department of public health of said city, and the chief inspector shall make a complete report of the affairs of said division to said department of public health at the end of each fiscal year.

§ 164. That subsection 80 of Section 3037g of the Kentucky Statutes (Carroll's Edition, 1915), be and the same is hereby repealed, and, in lieu thereof, that said subsection be re-enacted so as to read as follows:

In case of any disagreement between the department of public health and building departments with respect to the construction and enforcement of this act, or any part thereof, the question shall be referred to the mayor for final determination.

§ 165. All sections of Article II of Chapter 89 of the Kentucky Statutes, Carroll's Edition, 1915, and Vol. III, 1918 Supplement, relating to cities of the first class, inconsistent with the provisions of this act are hereby repealed.

§ 166. In all cases where, under the present laws enacted for the government of cities of the first class, specific powers and duties are vested in boards, officials, and departments of such cities, or where, during the present session of the General Assembly further acts relating to such cities are enacted delegating to and vesting in said boards, officials and departments any such powers or duties, all such powers and duties so delegated or vested are hereby respectively delegated to and vested in such boards, officials, or departments, as under this act are required to take over the duties or functions of such existing boards, officials or departments, and the delegation herein made shall have the same force and effect as if specifically set forth in this act.

The following amendments were proposed to said bill:

By Mr. Huntsman.

Strike out Section 55 and substitute therefor the following:

Section 55. That Section 2818 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby, repealed and that in lieu thereof, said section be re-enacted so as to read as follows:

"No member, officer, or employe of either executive department shall be directly or indirectly interested in any contract, or work of any kind, whatever, done under its direction; and any contract for any work or material, in which any such person is interested, shall be void."

By same.

Amend Section 58 by adding immediately after the words "director of the department" in line eleven, the words "or of the board of public works or the board of public safety," and by adding immediately after the words "approval of the mayor" at the close of line twelve, the words "and also with the approval of the legislative body."

By same.

Strike out Section 88, the effect of which striking will be to allow to remain undisturbed Section 2865, Kentucky Statutes.

By same.

Strike out Section 87, the effect of which striking will be to allow to remain undisturbed Section 2864, Kentucky Statutes.

By same.

Strike out Section 86, and substitute therefor Section 2863, Kentucky Statutes, with the exception that for the words "general council" as they appear in said section 2863 there be substituted the words "legislative body."

By same.

Strike out Section 75, the effect of which striking will be to allow to remain undisturbed Section 2839, Kentucky Statutes.

By same.

Strike out Section 90, the effect of which striking will

be to allow to remain undisturbed Section 2867, Kentucky Statutes.

By same.

Strike out Section 91, the effect of which striking will be to allow to remain undisturbed Section 2863, Kentucky Statutes.

By same.

Strike out Section 84, and substitute therefor Section 2861, Kentucky Statutes, with the exception that for the words "general council" appearing in said Section 2861, the words "legislative body" be substituted therefor.

By same.

Strike out Section 93, the effect of which striking will be to allow to remain undisturbed Section 2871, Kentucky Statutes.

By same.

Strike out Section 60 and substitute therefor the following:

Section 60. That Section 2824 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

"The department of public works of said cities shall be under the supervision and direction of the board of public works. Said board shall consist of three members, each of whom shall receive a salary of not less than Twenty-five Hundred Dollars ($2,500.00) per annum. The said department, for administrative purposes, may, as deemed necessary, be

divided into divisions of engineering, street construction and repair, street cleaning, sewer construction, public wharves, public buildings, and such other divisions as may be deemed, by said board, necessary or desirable. Each of said divisions shall be under the direction of a chief or head appointed by the said board."

By same.

Strike out Section 99, the effect of which striking will be to allow to remain undisturbed Section 2876, Kentucky Statutes.

By same.

Amend Section 47 as follows:

(a) Immediately after the words "Directors of executive departments" in line twelve, add the words "and the boards of public works and public safety";

(b) By striking out the words "Director of works" in line fifteen thereof, and substituting therefor the words "board of public works";

(c) By striking out the word "call" in line twenty-two and substituting therefor the word "all";

(d) By striking out the words "director of works" in line twenty-three, and by substituting therefor the words "board of public works";

(e) By adding immediately after the words "respective departments" in line twenty-seven, the words "or with the approval of the board of public works or the board of public safety, as the case may require";

(f) By striking out the words "director of works" in line twenty-nine, and substituting therefor the words "board of public works";

(g) By adding immediately after the words "approval

of directors" in line thirty-three, the words "or with the approval of the board of public works or the board of public safety, as the case may require."

By same.

By changing the period at the end of Section 166, on page 136 of the bill as printed in the House, to a semicolon, and by adding after the semicolon the following language, to-wit:

"Provided, however, that this act nor any part thereof shall not go into effect as to officers who have been previously appointed or elected for a fixed term, until such term expires according to the law or to the ordinance under which the appointment was made or the election held, and such officers shall continue to hold until the expiration of such full term, and at the end of said term this act with respect to such officers shall become effective, and such officers as aforesaid shall perform their duties and receive the emoluments or fees until the end of their respective terms under the laws and ordinances in effect at the time of their appointment or election."

By Mr. Bowman.

Amend Section 51 by adding immediately after the words "either of said departments" in line six, the words "or by the board of public works, or by the board of public safety."

By same.

Amend Section 50 by adding immediately after the words "directors of departments" in line four, the words "board of public works and board of public safety."

By same.

Strike out Section 108, the effect of which striking will be to allow to remain undisturbed Section 2886, Kentucky Statutes.

By same.

Amend Section 53 by adding immediately after the word "department" at the close of line eleven, the words "and the boards of public works and public safety."

By Mr. Jones.

Amend Section 120 by striking therefrom clause 1, embraced in lines 4 to 10 inclusive, and by substituting therefor the following.

"1. The office of treasurer of cities of the first class shall cease to exist when the present term, for which the present treasurer was elected, shall close. Immediately upon the close of the term of any such treasurer of any city of the first class, all the power, obligations and duties of such office of treasurer, together with any right of action accruing to such office, shall immediately vest in the director of finance for such cities, upon the appointment and qualification of said director as herein provided for."

By striking out clause 7, embraced in lines 85 to 90, inclusive in said Section 120.

By same.

Strike out Section 96, the effect of which striking will be to allow to remain undisturbed Section 2873, Kentucky Statutes.

By same.

Strike out Section 101, the effect of which striking will be to allow to remain undisturbed Section 2878, Kentucky Statutes.

By same.

Strike out Section 85, the effect of which striking will be to allow to remain undisturbed section 2862, Kentucky Statutes.

By same.

Strike out Section 72, the effect of which striking will be to allow to remain undisturbed Section 2836, Kentucky Statutes.

By Mr. Holder.

Strike out Section 94, the effect of which striking will be to allow to remain undisturbed Section 2872, Kentucky Statutes.

By same.

Strike out Section 95, the effect of which striking will be to allow to remain undisturbed Section 2872a, Kentucky Statutes, and the various amendatory acts thereto.

By same.

Strike out Section 98, the effect of which striking will be to allow to remain undisturbed Section 2875, Kentucky Statutes.

By same.

Strike out Section 97, the effect of which striking will be to allow to remain undisturbed Section 2874, Kentucky Statutes.

By Mr. Leibson.

For Section 36, substitute the following:

Section 36. That Section 2801 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby, repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

"The Mayor shall have power to appoint a city buyer, whose duty it shall be, under the supervision and control of the director of finance, to purchase all articles needed by the city in its several departments. All purchases made by him, not exceeding $2,000.00 each, shall be approved by the said director and the Mayor. All purchases made by him, exceeding $2,000.00 each shall be approved by the said director and the Mayor, and also by the Board of Aldermen. He shall report each day to the comptroller and inspector the purchases made by him."

By same.

For Section 44 substitute the following:

Section 44. That Section 2807 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby, repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

"The members of said boards, the board of public works, and the board of public safety, and the directors of the departments of public finance and law, shall have seats in the legislative body, and shall be entitled to take part in the pro-

ceedings and deliberations of said body touching all matters under their charge, respectively, subject to such rules as the legislative body shall, from time to time, prescribe, but without the right on the part of such members of said boards and the directors of said departments, to vote. It shall be the duty of the members of the said boards and the directors of the said departments to attend the meetings of the legislative body whenever requested by any member of the legislative body to so attend. One member of each of said boards and the director of each of said departments may be compelled, by ordinance or resolution of the legislative body, to attend every meeting of such body,, or such meetings as the said body may require."

By same.

For Section 45 substitute the following:

Section 45. That Section 2808 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

"The members of said two boards, the board of public works and the board of public safety, and the directors of said departments, public finance and law, shall have power to administer oaths."

For Section 46 substitute the following:

Section 46. That Section 2809 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby, repealed, and that in lieu thereof, the said section be re-enacted so as to read as follows:

"The board of public works and the board of public safety, and the directors of the departments of public finance

and law, except as may be otherwise provided by law, shall have the right, respectively, to employ such officers and agents as may be necessary, to carry on the work of said departments, respectively, but such employments shall be made agreeably to ordinance provisions enacted by the legislative body; and the salaries and compensation paid to such officers and agents shall be within limits to be prescribed by ordinance provisions of said body."

By Mr. Jennings.

Strike out Section 102, the effect of which striking will be to allow to remain undisturbed Section 2879, Kentucky Statutes.

By same.

Strike out Section 112, the effect of which striking will be to allow to remain undisturbed Section 2893, Kentucky Statutes.

By same.

Strike out Section 113, the effect of which striking will be to allow to remain undisturbed Section 2894, Kentucky Statutes.

By same.

Strike out Section 115, the effect of which striking will be to allow to remain undisturbed Section 2896, Kentucky Statutes.

By same.

Strike out Section 103, and substitute therefor the following:

Section 103. That Section 2880 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

"The police force shall consist of one chief of police with the rank of colonel, and such assistant chiefs, with the rank of major, and such captains, lientenants, sergeants, detectives, patrolmen and employes as may be deemed necessary by the board of public safety for giving police protection to the city, its inhabitants and property, and for the salaries and compensation of which members and employes of the police department the legislative body shall have made adequate appropriation. The board of public safety shall appoint all the members of the police force, and shall have power and is authorized to increase the police force by adding to the number of patrolmen, from time to time, provided the legislative body shall have previously made an appropriation for that express purpose. The legislative body may include in the annual tax levy an amount sufficient to provide for the compensation of additional patrolmen authorized to be appointed pursuant to the provisions of this section. The board of public safety shall maintain and continue a detective force and shall select and appoint to perform detective duty, one of whom shall be chief of detectives, as many patrolmen as said board of public safety may, from time to time, determine to be necessary to make this branch of the police force efficient. The patrolmen so selected and appointed shall be called detective sergeants, and shall, while performing such detective duty, be vested with the same authority and be entitled to receive and be paid such salary as policemen as the legislative body may, from time to time, provide."

By Mr. Skaggs.

Amend Section 117 by striking therefrom the words "un-

til his successor is elected and qualifies, as herein provided. At the November election one thousand nine hundred and twenty-three, and every four years thereafter, there shall be elected, for the term of four years, by the qualified voters of cities of the first class, a comptroller and inspector," in lines 17, 18, 19, 20 and 21, and by substituting therefor, immediately after the words "who shall hold office" in line 17, the words "at the pleasure of the Mayor."

By same.

Strike out Section 105, and substitute therefor Section 2882, Kentucky Statutes, with the exception that for the words "general council" appearing in said Section 2882, there shall be substituted therefor the words "legislative body."

By same.

Strike out Section 107, and substitute therefore Section 2884, Kentucky Statutes, with the exception that there be substituted for the words "general council" in said Section 2884 the words "legislative body."

By Mr. Day.

Amend Section 49 by striking out the words "director of his department," in line eight and the words "director of the department," in line ten, and by substituting for the words thus stricken out in each of said lines, the words "board of public safety."

By same.

Amend Section 61 by striking therefrom the words "department of public works" in line four (4) and by substituting therefor the words "the board of public works"; and by

striking from lines four (4) and five (5) the words "except as otherwise provided by law."

By same.

Strike out altogether Section 62, the effect of which striking will be to allow to remain undisturbed Section 2826, Kentucky Statutes.

By same.

Strike out Section 63, the effect of which striking will be to allow to remain undisturbed Section 2827, Kentucky Statutes.

By same.

Strike out Section 65, the effect of which striking will be to allow to remain undisturbed Section 2829, Kentucky Statutes.

By Mr. Humbert.

Strike out Section 68, and substitute therefor Section 2832, Kentucky Statutes, as same now stands, excepting only that the words "legislative body" be substituted for the words "general council" as the said last named words now appear in said Section 2832, Kentucky Statutes.

By same.

Strike out Section 69, and substitute therefor Section 2833, Kentucky Statutes, with the exception that the words "legislative body" shall be substituted for the words "general council" wherever the last named words appear in Section 2833, Kentucky Statutes.

By same.

Strike out Section 92, and substitute therefor Section 2870, Kentucky Statutes, with the exception that for the word "commissioner" wherever it appears in said Section 2870, there be substituted therefor the word "board."

By same.

For Section 39, substitute the following:

Section 39. That Section 2802 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby, repealed and in lieu thereof that said section be re-enacted so as to read as follows:

"The following executive departments are hereby established in cities of the first class: the department of public works, the department of public safety, the department of public finance and the department of law. The department of public works shall be under the supervision and direction of a board of public works, consisting of three members appointed by the Mayor, as now provided by law, and the members thereof to receive the same salaries as now provided by law. The department of public safety shall be under the supervision and direction of a board of public safety, consisting of three members appointed by the Mayor, as now provided by law, and the members thereof to receive the same salaries provided by law. The departments of public finance and law shall each be under the supervision and direction of a director who shall be appointed by the Mayor, which such director shall serve at the pleasure of the Mayor and may be removable at any time by the Mayor, but not by any officer who may merely for the time be filling the office of mayor in the absence, or under the temporary disability, of the regularly elected or apointed mayor. The members of the board of public works and the board of public safety and each of the aforesaid directors shall have the same qualifications as mem-

bers of the legislative body or said city and shall be selected for their special fitness for the work of the said departments. Each of said directors shall give and devote his entire time to the discharge of his duties hereunder and shall receive adequate compensation therefor, the same to be fixed by ordinance. No member or officer of the legislative body shall be eligible to appointment as such director or as a member of the aforesaid boards. The members of said two boards and the said three directors shall be appointed as soon as this act becomes effective; and the terms of office of the present members of the said two boards shall cease and determine immediately upon the appointment and qualification of their successors hereunder. Powers, obligations and duties now vested, respectively, in the board of public works and in the board of public safety, not inconsistent with this act, together with all rights of action, inherent in said boards, shall immediately vest in the department of public works and the department of public safety, respectively, hereby created. There shall be included, respectively, in the departments of public finance and law, the respective divisions, offices, and matters provided for in this Act; and the respective directors of the respective two departments, shall perform the respective duties as provided for in this Act."

By Mr. Ira Smith.

Amend House Bill No. 229 by changing the period at the end of Section 166, on page 136, of the bill as printed in the House to a semi-colon, and adding after the semi-colon the following language, to-wit:

"Provided, however, that this act nor any part thereof shall not go into effect as to officers who have been previously appointed or elected for a fixed term, until such term expires according to the law or to the ordinance under which the appointment was made or the election held, and such officers

shall continue to hold until the expiration of such full term, and at the end of said term this act with respect to such officers shall become effective, and such officers as aforesaid shall perform their duties and receive the emoluments or fees until the end of their respective terms under the laws and ordinances in effect at the time of their appointment or election."

By Mr. H. Q. Thompson.

Strike out Section 89, the effect of which striking will be to allow to remain undisturbed Section 2866, Kentucky Statutes.

By same.

Strike out Section 83, the effect of which striking will be to allow to remain undisturbed Section 2860, Kentucky Statutes.

By same.

Amend Section 59 by adding immediately after the word "departments," in line five, the words "or by the board of public works, or the board of public safety"; and by striking out the word "he" in line seven, and substituting therefor the words "any such director or either of said boards."

By same.

Strike out Section 71, and substitute therefor Section 2834, Kentucky Statutes, as amended by Act of 1920, being Chapter 103 of the Acts of 1920, but amend Section 2834, Kentucky Statutes, by substituting the words "legislative body" for the words "general council" wherever the last named words now appear in said Section 2834 as amended.

By Mr. Truesdell.

Strike out Section 66, the effect of which striking will be to allow to remain undisturbed Section 2830, Kentucky Statutes.

By same.

Strike out Section 67, the effect of which striking will be to allow to remain undisturbed Section 2831, Kentucky Statutes.

By same.

Strike out Section 70, and substitute therefor Section 2833a, Kentucky Statutes, with the exception that for the words "general council" wherever they appear in said Section 2833a there shall be substituted the words "legislative body."

By same.

Amend Section 57 by striking out the word "the" as it occurs between the words "of" and "department" in line seven, and by substituting therefor the word "such"; and by striking out the words "under the control of" at the close of line seven and the words "said director" at the beginning of line eight.

By Mr. Cary.

Strike out Section 111, the effect of which striking will be to allow to remain undisturbed Section 2892, Kentucky Statutes.

By same.

Strike out Section 100, the effect of which striking will

be to allow to remain undisturbed Section 2877, Kentucky Statutes.

By same.

Strike out Section 109, the effect of which striking will be to allow to remain undisturbed Section 2888, Kentucky Statutes.

By same.

Strike out Section 64, the effect of which striking will be to allow to remain undisturbed Section 2828, Kentucky Statutes.

By same.

Strike out Section 114, the effect of which striking will be to allow to remain undisturbed Section 2895, Kentucky Statutes.

By Mr. Harvey.

Amend Section 123 by adding at the close of line 17, the words "all appointments made by the city attorney shall be subject to the approval of the Mayor."

By same.

Strike out Section 116, the effect of which striking will be to allow to remain undisturbed Section 2896a, Kentucky Statutes, and all Acts amendatory thereto.

By same.

Strike out Section 73, the effect of which striking will

be to allow to remain undisturbed Section 2837, Kentucky Statutes.

By same.

Amend Section 119 by adding immediately after the words "cities of the first class," in line 11, the words "subject to the approval of the Mayor."

By same.

Amend Section 52 by adding immediately after the word "departments" in line four, the words "and the duty of the board of public works and the board of public safety"; and by striking out the words "his department" in lines five and six, and substituting therefor the words "the department under the supervision of such director or of such board"; and by striking out the word "his" at the close of line six, and substituting therefor the word "such."

By Mr. Park.

Amend H. B. 229 by adding on pg. 84, sec. 102, in line 7 after the word "safety" and before the word "and" the words "all violators of its rules."

By same.

For Section 42 substitute the following:

Section 42. That Section 2805 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby, amended so as to read as follows:

"Each of the aforesaid boards, the board of public works and the board of public safety, shall elect one of its members chairman, who shall serve as chairman at the pleasure of the

board; and each of said boards shall make all necessary rules governing the time and place for holding regular and call meetings of the boards."

By same.

For Section 43 substitute the following:

Section 43. That Section 2806 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby, amended and re-enacted so as to read as follows:

"No member of either of said boards, the board of public works and the board of public safety, shall have power to act on behalf of the same, except pursuant to an order of the board regularly made at a meeting at which a majority of said board shall have been present."

By same.

Substitute for Section 40 the following:

Section 40. That Section 2803 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

"The board of public works shall have power to prescribe rules, not inconsistent with law, regulating the proceeding and conduct of the officers, clerks and employes of the said department and the divisions thereof, the distribution of the business of the department of public works between, and the performance thereof by, the several divisions of said department; and the preservation of the books, records, papers and property under the control of said department. The board of public safety shall have the like power to prescribe rules for the like purposes concerning that department. Also,

the directors of the departments of public finance and law shall have, respectively, the like power to prescribe rules for said departments, respectively. No extra compensation shall be allowed any person for indexing the records of any of the said departments."

By Mr. Bosworth.

Strike out Section 134, the effect of which striking will be to allow to remain undisturbed Section 2937, Kentucky Statutes.

By same.

Strike out Section 148, the effect of which striking will be to allow to remain undisturbed Section 2984, Kentucky Statutes.

By same.

Strike out Section 139, the effect of which striking will be to allow to remain undisturbed Section 2943, Kentucky Statutes.

By same.

Strike out Section 137, the effect of which striking will be to allow to remain undisturbed Section 2941, Kentucky Statutes.

By same.

Amend Section 143 by striking out the word "three" in line 12, and substituting therefor the word "five."

Amend Section 122 by striking out the words "this act shall become effective" in line 22 (clause 2), and by substitut-

ing therefor the words "at the close of the present term of the city attorney of any such city."

By same.

Amend Section 130 by adding immediately after the words "said clerk shall" at the close of line 10, the words "when the abolishment of the office of bond recorder in such cities becomes effective."

By same.

Amend Section 131 by striking from lines 6 and 7, the words "the said clerk shall be paid a salary of thirty-five hundred dollars per annum" and by substituting therefor the words "the said clerk, after the term of the present clerk in any such cities shall expire, shall be paid such salary as the legislative body may fix."

By same.

Strike out Section 157, the effect of which striking will be to allow to remain undisturbed the Act permitting cities of the first class to construct additions and make more perfect their systems, for the disposition of sewerage, approved March 23, 1920, Chapter 86 of the Acts of 1920.

By same.

Strike out Section 138, the effect of which striking will be to allow to remain undisturbed Section 2942, Kentucky Statutes.

By same.

Amend Section 127 by striking out the word "taxes" in line 8 and by substituting therefor the word "taxed."

By same.

Strike out Section 135, the effect of which striking will be to allow to remain undisturbed Section 2938, Kentucky Statutes.

By same.

Strike out Sections 159, 160, 161, 162 and 163, the effect of which striking will be to allow to remain undisturbed Section 3037f, Kentucky Statutes, with the exception that wherever the words "general council" appear in Section 3037f, Kentucky Statutes, there shall be substituted therefor the words "legislative body."

By same.

Strike out Section 136, the effect of which striking will be to allow to remain undisturbed Section 2940, Kentucky Statutes.

By same.

Strike out Section 141, and substitute therefor the following:

"Section 141. That Section 2947 of the Kentucky Statutes (Carroll's Edition, 1915), be repealed on and after the close of the term of the present bond recorder in any city of the first class, and thenceforth the duties now performed by such recorder shall be performed by clerk of the police court agreeably to the provisions of this act."

By same.

Strike out section 140, and substitute therefor the following:

"Section 140. That section 2944 of the Kentucky Statutes (Carroll's Edition, 1915), be, and the same is, hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

"The judge of the police court is hereby authorized and empowered to appoint, if and when necessity for such appointment arises, a deputy bailiff, or deputy bailiffs, of the police court; the salaries of any such deputy bailiffs not to exceed One Hundred Dollars per month each, and the same to be provided for by ordinance of the legislative body."

By same.

Strike out Section 164, the effect of which striking will be to allow to remain undisturbed Section 3037g, Kentucky Statutes. Insert in lieu of Section 164 the following:

"Section 164. Any city of the first class may, by ordinance enacted by its legislative body, provide for the creation of a city planning commission to consist of six members. The chairman of the board of public works, the chairman of the board of public safety, and the chairman of the board of park commissioners, shall, ex officio, be members of said commission, and the other three members shall be appointed by the Mayor, and shall serve at his pleasure. All of said members shall serve without compensation. Said commission shall have such powers and shall perform such duties, not inconsistent with law, as may be conferred upon it by ordinance provisions enacted by the said legislative body."

By same.

Amend Section 124 by striking therefrom clause 2, embraced in lines 10 to 16, inclusive.

By striking out all of clause 3, embraced in lines 17 to 21, inclusive, and by substituting therefor the following:

"3. The present office of bailiff of the police court of such cities shall cease to exist upon the expiration of the present term of any such bailiff. Thereafter there shall be appointed by the judge of the police court of any such city, the police court bailiff, who shall receive such salary as the legislative body may fix, and who shall hold his office at the pleasure of said judge. All of the powers, obligations and duties now vested in the office of bailiff of such cities shall thereupon devolve upon and be performed by the bailiff to be appointed."

By same.

Strike out Section 142, and substitute therefor the following:

"Section 142. That Section 2948 of the Kentucky Statutes (Carroll's Edition, 1915), stand repealed upon the expiration of the term of the present live stock inspector in any city of the first class; that thenceforth the office of live stock inspector shall stand abolished. That thereupon the office of meat inspector of such cities shall be created, and the board of public safety is hereby authorized to appoint, subject to the Mayor's approval, a meat inspector for any such city, who shall serve at the pleasure of the board. The meat inspector shall have power to appoint, subject to the approval of said board, such deputies and assistants as may be necessary to properly conduct the business of his office. The salaries of such deputies and assistants shall be prescribed by ordinance. The said meat inspector shall give a bond, with sureties, to be approved by the board of public safety. All of the powers, duties and obligations now imposed on the live stock inspector shall, upon the effective date

of the creation of the office of meat inspector, devlove upon the last named officer."

Said amendments were severally disagreed to.

Mr. Cross moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Cross and Holder, were as follows, viz:

Those who voted in the affirmative were—

J. F. Bosworth	Thos. O. Holder	James Park
Thos. Bowman	Frank J. Humbert	David I. Scott
Sam A. Cary	R. O. Huntsman	Geo. F. Thompson
E. B. Cross	Oscar Leibson	H. Q. Thompson
J. C. Day	Harry J. Meyers	Chas. B. Truesdell
Dr. H. M. Fultz	R. D. McMurtry	John L. Trumbo
Oscar P. Harvey	Geo. W. Newman	

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Those who voted in the negative were—

Samuel W. Adams	Arch L. Hamilton	Chas. A. Nelson
B. C. Beckmann	David J. Howard	D. A. O'Donovan
J. E. Bickett	Lester Jeter	C. C. Oney
Berl Boyd	H. R. Lawrence	Brodie Payne
John E. Brown	Leon P. Lewis	H. Walter Pierce
Lee Clark	Martin Light	Arch M. Quarles
Bryce Cundiff	Rufus Lisle	R. I. Rice
O. A. Denton	C. C. May	Arthur Saunders
A. W. Dorsey	Harry B. Miller	Lee L. Simons
G. Lucien Drury	Claude D. Minor	George W. Smith
W. D. Duncan	R. C. Moore	Ira D. Smith
George W. Ellis	S. H. Moore	R. F. Stewart
Bryant Green	B. A. Muster	Frank L. Strange
Ed. A. Gullion	W. T. McGuire	John M. Tinsley
J. Edgar Hadden	E. E. Nelson	Garnett W. Tolin

N. I. Toombs	W. T. Walker	W. D. Watkins
Fred C. Vanhoose	Geo. C. Waggoner	W. G. Wheeler
Oscar Vest	W. S. Wallen	

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Mr. Lewis offered the following amendment to said bill, viz:

Amend House Bill No. 229 by striking out the word "and," following the words "director of works" in the 15th line of sec. 47 thereof, on page 36 of the printed bill, and inserting in lieu thereof the word "who"; and by striking out the word "call" in the 22nd line of Sec. 47 thereof, on page 37 of the printed bill, and inserting in lieu thereof the word "all"; by striking out the word "describing" in the 40th line of Sec. 62 thereof, on page 43 of the printed bill, and inserting in lieu thereof the word "describes"; and by striking out the words "from and after sixty days" in the 149th line of Sec. 75 thereof, on page 60 of the printed bill; and by striking out the word "the" in the 13th line of Sec. 76 thereof, on page 63 of the printed bill, and inserting in lieu thereof the word "their"; by striking out the words "comptroller and inspector" in the 13th line of Sec. 78 thereof, on page 65 of the printed bill and inserting in lieu thereof the words "director of finance"; and by striking out the words "said board" in the 24th line of Sec. 83 thereof, on page 67 of the printed bill and inserting in lieu thereof the words "director of works"; and by striking out the word "at" in the 9th line of Sec. 100 thereof, on page 83 of the printed bill, and inserting in lieu thereof the word "of"; by striking out the words "to said director of safety" in the 7th line of Sec. 102 thereof, on page 84 of the printed bill and inserting in lieu thereof the words "all violations of the rules of the Department of Public Safety"; by inserting after the word "cities" in the 49th line of Sec. 116 thereof, on page 91 of the printed bill, a comma; and by omitting the period after the word "thereafter" in the 49th line of Sec. 116 thereof, on page 91 of the

printed bill, and by combining the two literary paragraphs of subsection 3 of Sec. 116 thereof, on page 91 of the printed bill, into one literary paragraph; and by striking out the word "to" in the 52nd line of Sec. 116 thereof, on page 91 of the printed bill, and inserting in lieu thereof the word "for"; and by striking out the word "organized" in the 93rd line of Sec. 116 thereof, on page 93 of the printed bill, and inserting in lieu thereof the word "authorized"; and by inserting after the words "designated by the law to draw" in the 237th line of Sec. 116 thereof, on page 97 of the printed bill, the word "warrants"; and by striking out the word "five" in the 8th line of Sec. 123 thereof, on page 106 of the printed bill, and inserting in lieu thereof the word "three"; and by inserting after the words "and same is hereby amended by" in the 2nd line of Sec. 125 thereof, on page 107 of the printed bill, the words "inserting after the word 'detained' in the 3rd line thereof, the words 'subject to deduction of time for good behavior,' and by"; and by inserting after the words "it shall be to" in the 7th line of Sec. 136 thereof, on page 111 of the printed bill, the word "be"; and by striking out the word "three" in the 12th line of Sec. 143 thereof, on page 114 of the printed bill, and inserting in lieu thereof the word "five"; and by striking out the word "city" in the 27th line of Sec. 157 thereof, on page 124 of the printed bill, and inserting in lieu thereof the word "said"; and by striking out the words "the council" in the 83rd line of Sec. 157 thereof, on page 126 of the printed bill and inserting in lieu thereof the word "it"; and by striking out the word "their" in the 84th line of Sec. 157 thereof, on page 126 of the printed bill and inserting in lieu thereof the word "its."

Said Amendment was agreed to.

Mr. Lewis also offered the following Amendments to said bill, viz:

1. "Amend H. B. 229 by adding at the close of Section 39 thereof, at line 32 on page 34 of the printed bill the follow-

ing: 'in the absence or during the temporary disability of any director of any department, his duty shall be performed by the Mayor or such person or persons as shall be designated by the Mayor.' ''

2. ''Amend H. B. 229 by striking out of line 140 on page 59 of the printed bill the words 'sixty days' and striking out of line 141 on page 60 of the printed bill the words 'after the date.' ''

Said Amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	W. T. McGuire
B. C. Beckmann	David J. Howard	Chas. A. Nelson
J. E. Bickett	Lester Jeter	D. A. O'Donovan
Berl Boyd	S. B. Lane	C. C. Oney
John E. Brown	H. R. Lawrence	Brodie Payne
Lee Clark	Leon P. Lewis	H. Walter Pierce
Bryce Cundiff	Martin Light	Arch M. Quarles
O. A. Denton	H. R. Lawrence	R. I. Rice
A. W. Dorsey	C. C. May	Arthur Saunders
G. Lucien Drury	Harry J. Meyers	Lee L. Simons
George W. Ellis	Harry B. Miller	George W. Smith
Mrs. M. E. Flannery	Claude D. Minor	Ira D. Smith
Bryant Green	R. C. Moore	R. F. Stewart
Ed. A. Gullion	S. H. Moore	Frank L. Strange
J. Edgar Hadden	B. A. Muster	Garnett W. Tolin

N. I. Toombs	W. T. Walker	W. G. Wheeler
Oscar Vest	W. S. Wallen	—52
Geo. C. Waggoner	W. D. Watkins	

Those who voted in the negative were—

Sam A. Cary	E. E. Nelson	John M. Tinsley
J. C. Day	James Park	Fred C. Vanhoose
R. D. McMurtry	Geo. F. Thompson	—8

Resolved that the title thereof be as aforesaid.

Mr. Lewis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Governor that he had approved and signed a Resolution and bill of the following titles, viz:

H. Res. 4. Resolution inviting the National Committee for Mental Hygiene to make a survey of conditions in the State of Kentucky.

H. B. 189. An Act to assist disabled ex-service men and women in obtaining from the Federal Government the relief authorized by Acts of Congress creating for that purpose the Kentucky Disabled Ex-service Men's Board and appropriating funds therefor, providing for space in and stenographic assistance from the Adjutant's General Office and declaring an emergency to exist.

Mr. Adams moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 28, 1922.

The House was opened with prayer by the Rev. Roger T. Nooe, pastor of the First Christian Church of Frankfort.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams	H. C. Hawkins	Brodie Payne
R. M. Amos	Thos. O. Holder	H. Walter Pierce
B. C. Beckmann	David J. Howard	S. R. Powell
J. E. Bickett	Frank J. Humbert	Arch M. Quarles
W. M. Boling	R. O. Huntsman	R. I. Rice
J. F. Bosworth	J. T. Jennings	Arthur Saunders
Thos. Bowman	Lester Jeter	David I. Scott
Berl Boyd	Ira Jones	Lee L. Simons
John E. Brown	Wright Kelly	Reuben E. Skaggs
W. R. Button	H. R. Lawrence	George W. Smith
Sam A. Cary	Oscar Leibson	Ira D. Smith
Thas. Chandler	Leon P. Lewis	R. F. Stewart
Lee Clark	Martin Light	Frank L. Strange
E. B. Cross	Rufus Lisle	H. V. Thompson
Bryce Cundiff	C. C. May	H. Q. Thompson
J. C. Day	Harry J. Meyers	D. D. Thornberry
O. A. Denton	Harry B. Miller	John M. Tinsley
A. W. Dorsey	Claude D. Minor	Garnett W. Tolin
G. Lucien Drury	R. C. Moore	N. I. Toombs
H. C. Duffy	S. H. Moore	Chas. B. Truesdell
W. D. Duncan	Ed. P. Murrah	John L. Trumbo
George W. Ellis	B. A. Muster	Fred C. Vanhoose
Mrs. M. E. Flannery	C. D. McCaw	Oscar Vest
Emery L. Frazier	W. T. McGuire	Geo. C. Waggoner
Dr. H. M. Fultz	R. D. McMurtry	W. T. Walker
W. L. Gossett	E. E. Nelson	W. S. Wallen
Ed. A. Gullion	Chas. A. Nelson	W. D. Watkins
J. Edgar Hadden	Geo. W. Newman	W. G. Wheeler
Arch L. Hamilton	D. A. O'Donovan	J. B. Wicker
Oscar P. Harvey	C. C. Oney	T. C. Willis

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled a bill of the following title, viz:

H. B. 252. An Act to amend section 3 of an Act entitled: "An Act to create the Kentucky Library Commission, to define its powers and duties, and to provide for its expenses," which Act was approved March 17, 1910, and to re-enact in lieu thereof the section as amended.

Thereupon all other business was suspended, the said bill was read at length and compared in open House and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk of this House deliver said enrolled bill to the Governor.

After a time the Clerk reported that he had discharged that duty.

Mr. Simons of the Committee on Rules, reported the following bills and resolution with the expression of opinion that they should pass.

S. B. 155. An Act to amend and re-enact section 3563 of the Kentucky Statutes relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways, and thoroughfares, in cities of the fourth class.

S. B. 180. An Act to amend and re-enact sections 7 and 8 of Chapter 34 of the session Acts of the General Assembly of 1920, said Act being entitled: "An Act creating the Kentucky Geological Survey, designating its executive officer and his duties and providing funds for its maintenance."

S. B. 28. An Act to amend and re-enact section 1093 of Kentucky Statutes, (Carroll's 1915 Edition), relating to jurisdiction of justices and quarterly courts in penal actions, and in violation of ordinances in sixth class towns.

S. B. 33. An Act amending and re-enacting sec. 1 of Sec. 3235a-26, Carroll's 1918 Supplement to Kentucky Statutes.

S. B. 43. An Act to amend an Act entitled: "An Act relating to the office of Police Judge in cities of the second class in this Commonwealth and etc."

S. B. 213. An Act to require all educational institutions receiving aid from the Commonwealth to make an annual report of receipts and expenditures to the State Department of Education.

S. B. 212. An Act amending and re-enacting Sec. 584, Kentucky Statutes (Carroll's 1015 Edition), relating to deposits in banks, amount to be kept on hand and defining time and demand deposits.

S. B. 131. An Act relating to roads and bridges, and amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto, as project No. —, extending from Bromley via Sparta to Warsaw.

S. B. 112. An Act to continue the existence of the Kentucky Council of Defense for the sole purpose of completing the work of gathering, arranging and preserving the History of Kentucky's part in the World War making an appropria-

tion for that work and providing for final disposition of its War Historical Records.

S. B. 139. An Act to provide for the election of sub-district trustees, in county rural school districts, and defining their duties.

S. B. 91. An Act to repeal Chapter 43 of the Acts of the General Assembly of 1920, relating to compulsory attendance of pupil children in the common schools, also Sec. 4526c-1, Sec. 4526c-6, and all intervening sections, of the Kentucky Statutes, (Carroll's Edition, 1918), relating to compulsory attendance of pupil children in county school districts; and in order to provide for better school attendance of pupil children in county school districts, be there enacted in lieu of the above the following sections, relating to the school attendance of pupil children in county school districts.

S. B. 37. An Act to amend the Act of the General Assembly of 1910, creating the Bureau of Vital Statistics, being para. 6062a, Chapter 63, Carroll's Kentucky Statutes, and to provide for the publication of index lists of births and deaths registered in the Bureau of Vital Statistics.

S. B. 119. An Act to amend and re-enact Sec. 3845 of Kentucky Statutes, Carroll's 1915 Edition.

S. B. 106. An Act to amend and re-enact sec. 53 of Chapter 2 of title 4 of the Kentucky Code of Civil Practice.

S. B. 29. An Act relating to Banks and Banking, being an Act to amend Sec. 583, of Chapter 32, sub-division 1 of Article 2 of the Acts of April 5, 1893, Kentucky Statutes, (Carroll's 1915 Edition), as amended March 26, 1918, entitled: "Indebtedness of persons to highest amount permitted—contain bills of exchange not included."

S. B. 67. An Act to amend and re-enact, as amended, Sec. 31 of an Act entitled, "An Act defining boundaries for school districts embracing cities of the Fourth Class, and providing systems of schools in such districts, and creating boards of education for such districts, providing for election thereof, defining their powers and duties, and repealing all laws in conflict therewith," approved March 13, 1920.

S. B. 113. An Act to amend an Act entitled: "An Act defining boundaries for school districts embracing cities of the fourth class and providing systems of schools in such districts and creating boards of education for such districts, providing for the election thereof, defining their powers and duties and repealing all laws in conflict therewith."

S. B. 123. An Act to amend and re-enact Sec. 1777 of the Kentucky Statutes, Carroll's Edition 1915, relating to Assessors in counties having two hundred thousand (200,000) population, increasing the maximum annual salary to be allowed to Deputy or Assistant Assessors, from fifteen hundred ($1,500.00) dollars, per annum to two thousand ($2,000.00) dollars per annum, and repealing conflicting laws.

S. B. 170. An Act amending and re-enacting sec. 2982, Kentucky Statutes, Carroll's Edition of 1915 (being Sec. 197 of the Act approved July 1, 1893, entitled: "An Act for the government of cities of the first class," as amended by Sec. 2 of the Act approved March 16, 1898, entitled "An Act to amend an Act entitled: 'An Act for the government of cities of the first class,' approved July first, eighteen hundred and ninety-three;") and providing for the borrowing, by such cities of funds for current fiscal needs, and the pledging of current taxes and revenues to secure such loans.

S. B. 120. An Act providing that the desertion of a pregnant wife by her husband shall be a felony, prescribing penal-

ties therefor and amending subsection one (1) of section 331i of Chapter 18 of the Kentucky Statutes, which was an Act of March 4, 1916, pertaining to the desertion and abandonment of children.

S. B. 196. An Act for the benefit of the West Kentucky Industrial College, established at Paducah, Kentucky, making appropriations thereto.

S. B. 126. An Act to amend an Act entitled "An Act for the government of cities of the first class" approved July 1, 1893, so as to enlarge the powers of cities of the first class and to provide for the elimination of grade crossings of the public streets of such cities at grade over the tracks of steam or electric railroads, etc.

S. Res. 21. Resolution providing for the appointment by the Governor of a Commission of (100) one hundred citizens, to serve without pay, for a Henry Watterson Memorial.

Said bills and resolution were severally read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. 431. An Act to amend project No. 58¾ of section 5 of an Act entitled: "An Act relating to roads and bridges and etc." which is chapter 17 and became a law March 16, 1920, and the title to said Act which reads as follows:

"An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended

by said department; prescribing laws governing said department and the officers therein; accepting the provisions of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for co-operative work for the United States Government; providing for the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing subsections 1, 2, 4, 5, 6 and 7 of Section 4356t, Kentucky Statutes, Edition 1915; also repealing section 4356u and subsections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 of Section 4356x, Kentucky Statutes, Edition 1915."

H. B. 432. An Act to amend project No. 61 of Section 5 of an Act entitled: "An Act relating to roads and bridges and etc.," which is chapter 17 and became a law March 16, 1920, and the title to said Act which read as follows:

. An Act relating to roads and bridges, creating the Department of State Roads and Highways providing for officers to administer it and prescribing the powers and duties of such officers, fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department and the officers therein. Accepting the provisions of the Federal law providing that the United States shall assist in the construction of the rural post roads and making appropriation for co-operative work with the United States Government. Providing the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of

State highways and providing for their construction and maintenance; providing for and obtaining the rights of way and naming cities and towns from which construction shall commence; and repealing subsection 1, 2, 4, 5, 6 and 7 of Section 4356t, Kentucky Statutes, Edition 1915; also repealing Section 4356u and subsections 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of section 4356x, Kentucky Statutes, Edition 1915, and the supplement to said edition known as Vol. 3, repealing all and any other Act or Acts in conflict herewith.

H. B. 433. An Act relating to Public Safety; providing for certain devices to be used in the operation of Motion Picture Machines, and a penalty for the violation of the law.

H. B. 434. An Act to amend and re-enact Section 11 of Chapter 69 of the Acts of the General Assembly of 1918, entltled: "An Act to suppress, prevent, control and eradicate communicable diseases in live stock; to provide the necessary officers and define their duties, and to appropriate funds necessary for its enforcement, and repealing Section 63a of Article 2 of Chapter 5, Carroll's 1915 Edition of Kentucky Statutes."

H. B. 435. An Act to repeal and re-enact section 4239a, Chapter 108, Kentucky Statutes, enacted March 19, 1912, relating to the duties of clerks, sheriffs and other officers under the revenue and taxation laws, and to direct the manner of making up tax books.

H. B. 436. An Act to amend and re-enact section 9, of Chapter 17, of Acts of 1920 designating centers of construction in Primary System of State Highways.

H. B. 437. An Act in relating to the use of the National Flag and State Flag.

H. B. 438. An Act to amend Section 1 of Chapter 29 of the Acts of 1916 being an Act for the protection of fish, being enacted by the General Assembly of the Commonwealth of Kentucky, and is Section 1 of Chapter 29 of the Acts of the General Assembly for the year 1916.

H. B. 439. An Act relating to revenue and taxation. Providing a method of taxation on persons, firms and corporations engaged in the business of mining coal, and a tax on lands in this Commonwealth from which coal is mined, and prescribing methods of collecting such taxes, and penalties for violations of the law.

H. B. 440. An Act relating to revenue and taxation, fixing the annual tax rate on coal and coal leases producing coal with their equipment, development and operations in and on same, subject to taxation, fixing the date of assessment, prescribing by whom the tax shall be paid, limiting the local rate of ad valorem taxes and such property, providing for the distribution of the fund derived from such taxation, providing for the assessment equalization and collection of the tax.

H. B. 441. An Act authorizing banks, organized in this Commonwealth to do business as special plan banks and defining their powers with reference thereto.

H. B. 442. An Act to provide for a progressive tax on direct and collateral inheritances and to amend section 4281a of Carroll's Kentucky Statutes 1915, as amended by an Act entitled: "An Act providing for a progressive tax on direct and collateral inheritances" being chapter 26 of the Acts of the General Assembly of 1916 and to provide for the distribution of the income from the tax so provided.

H. B. 443. An Act to amend an Act entitled: "An Act relating to roads and bridges and establishing a system of

State Highways and known as Chapter 17 of the Acts of 1920."

H. B. 444. An Act to amend Section 3 of an Act entitled: "An Act to create the Kentucky Library Commission, to define its powers and duties, and to provide for its expenses," which Act was approved March 17, 1910.

H. B. 383. An Act to amend subsec. 3, of section 331e, Kentucky Statutes, Carroll's 1915 Edition.

H. B. 384. An Act to amend and re-enact sec. 1199, Kentucky Statutes, Carroll's Edition of 1915, providing punishment for receiving stolen goods.

H. B. 417. An Act establishing a road to run from Harlan, in Harlan County, Kentucky, via the Pine Mountain Settlement School in Harlan County, to Hyden, in Leslie County, as a State Primary road, and designating said project as Project No. 56A.

H. B. 415. An Act to repeal laws that traverse of Sabbath breaking.

H. B. 330. An Act establishing a road to lead from Harrison, in Lewis County, via mouth of Laurel Creek, via Rooney, Carter County, via Hitchens, in Carter County, via Willard, in Carter County, to Webbville, in Lawrence County, as a State Primary Road, and designating same as Project No. 43A.

H. B. 226. An Act to amend Chapter 17 of the Acts of 1920, approved March 16, 1920, relating to roads and bridges creating the department of State Roads and Highways.

H. B. 325. An Act to amend and re-enact section 110

of Code of Practice in criminal cases relating to the presence of persons before the Grand Jury.

H. B. 380. An Act to regulate the manufacture and sale of Foods and Drugs and providing penalties for violations thereof; repealing, amending and re-enacting that portion of Chapter 65 of the Acts of the General Assembly of 1918, the same being Chapter 63, Article IV, Section 2060, subsec. 2060a-1 to 2060a-18, of Carroll's Kentucky Statutes of 1918, relating to Pure Food and Drug Inspection and Regulations; and reapportioning and appropriating funds to carry out the provisions of this Act.

H. B. 387. An Act to amend and re-enact Chapter 93 of the Acts of the General Assembly, of the Commonwealth of Kentucky, of 1920, entitled:

"An Act relating to revenue and taxation, requiring an excise or license tax to be paid on all gasoline sold at retail in this State, and requiring any person engaging in business of selling gasoline at retail to pay said tax for the privilege of engaging in said business; providing the manner of collecting said tax, requiring reports and fixing fines and penalties for violations of the Act."

H. B. 388. An Act to amend an Act relating to revenue and taxation, and entitled: "An Act relating to revenue and taxation, creating a State Tax Commission, providing for the appointment, qualification and term of office of its members, prescribing its powers and duties, appropriating money therefor, providing for the assessment of property for taxation, and the supervision and equalization of assessments, and prescribing the powers and duties of county clerk, county tax commissioners, sheriffs, collectors, Railroad Commission, Auditor of Public Accounts, and other officers performing some duty in reference to the taxation of property, creating county boards of supervisors, a State Board of Equalization

and a State Board of Valuation and Assessment, and defining their powers and duties, prescribing penalties, and repealing existing Statutes.

H. B. 411. An Act to amend and re-enact Sec. 1938a-2 of Carroll's Edition of the Kentucky Statutes, which same is a section of the Acts of the General Assembly, passed in 1916 relating to Game and Birds.

H. B. 385. An Act to amend Section 3382 of Carroll's Kentucky Statutes, 1915, by changing the time of the appointment of Board of Tax Supervisors for cities of the Third Class.

H. B. 427. An Act to amend an Act entitled: "An Act relating to roads and bridges and being Chapter 17 of the Acts of 1920."

H. B. 428. An Act providing for the condemnation of land by Electric Light and Power Companies.

H. B. 340. An Act to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven fabrics purporting to contain wool and in garments or articles of apparel made therefrom manufactured, sold, or offered for sale, in the State of Kentucky, requiring the labeling of all cloth, fabric, garments or articles of apparel and providing punishment for violation of this Act.

H. B. 81. An Act relating to the government of cities of the first class; abolishing the Board of Public Safety of cities of the first class as now constituted and existing; abolishing the term of office of the members of said Board as now existing and all officers, assistants and employes thereunder; creating a Commission in cities of the first class to be known as the Police and Fire Commission and defining its

powers and duties; providing the method of appointing the members of said Fire and Police Commission and the filling of vacancies in its membership; providing for the appointment of a Chief of Police and Chief of Fire Department; providing for the appointment and removal of officers, assistants and employes under said Police and Fire Commission; fixing the salary of the members of said Police and Fire Commission and regulating the fixing of the salary of all officers, assistants and employes thereunder and providing the manner of payment; authorizing said Police and Fire Commission to take over and discharge all the powers and duties now imposed by law on the Board of Public Safety as now existing, and to do all things necessary to fully carry out all provisions of the law relating to police and fire protection and other matters now under the control and directions of the Board of Public Safety, including the provisions of this Act and all other laws relating either directly or indirectly to matters now under the control and directions of the Board of Public Safety as now existing in cities of the first class and repealing all laws and parts of laws in conflict with this Act.

S. B. 208. An Act for the benefit of the Home for Incurables.

S. B. 88. An Act to amend Sec. 1159, Kentucky Statutes, Carroll's 1915 Edition, relating to burglary and robbery.

S. B. 216. An Act to amend and re-enact subsec. 9, of Section 3490 of the Kentucky Statutes relating to the construction of sewers in the streets, alleys and highways, in cities of the Fourth Class.

S. B. 72. An Act to enable counties containing therein cities of the first class, and such cities, jointly, to acquire, construct, furnish, equip and maintain tuberculosis hospitals

in such counties, for the care, maintenance, and treatment of persons afflicted with tuberculosis, agreeably to the provisions of Section 3037c, Kentucky Statutes, Carroll's Edition of 1915, providing for the creating, in such counties, of a "Board" of Tuberculosis Hospitals and for the maintenance of such hospitals.

Ordered that said bills be read the second time.

The Constitutional provisions as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 160. An Act to repeal Sec. 30 and Sec. 31 of Chapter 13 of the Acts of the General Assembly of 1910, relating to textbook commission for cities; also, Sec. 4421a-1, Sec. 4421a-30 and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the selection of textbooks for the common schools by a State Textbook Commission; also, Sec. 4421b-1, Sec. 4421b-32 and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the selection of textbooks for common schools by textbook commissions in cities of the first, second, third, and fourth class; and in order to provide an effective method of selecting textbooks for the common school be there provided in lieu thereof the following sections relating to the selection of textbooks for the common schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 30 and Section 31 of Chapter 13 of the Acts of the General Assembly of 1910, relating to textbook commissions for cities; also, Section 4421a-1, Section 4421a-30 and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the selection of textbooks for the common schools by a State Textbook Commission; also, Section 4421b-1, Section 4421b-32 and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the selection of textbooks for the common schools by textbook commissions for cities of the First, Second, Third and Fourth Class, be and the same are hereby repealed; and in lieu thereof are now enacted the following sections to be known and designated as:

Section 4421a-1. Any person or corporation desiring to furnish textbooks for use in the common schools of the Commonwealth of Kentucky shall, between June 1, 1923 and October 1, 1923, and within a like period every five years thereafter, file with the Superintendent of Public Instruction a list of such books, specifying in each instance the net wholesale price at which they will furnish such books, and the net exchange price at which such books will be exchanged for old books in the hands of pupil children in the same subject and of the same grade. There shall be submitted with each list, samples of the books proposed to be furnished and, if such books shall be afterwards adopted for use in the common schools of the State, the books subsequently furnished shall correspond in every respect with the samples filed, provided that no book shall be listed is not printed and published.

Section 4421a-2. On or after October 1, 1923, but not later than December 1, 1923, and within a like period every five years thereafter, the Superintendent of Public Instruction shall appoint a State Elementary School Textbook Ad-

visory Committee of seven members, from among the county superintendents of schools and the elementary school principals and elementary school teachers of the counties and graded common school districts of the Commonwealth. Within the same period, the Superintendent of Public Instruction shall also appoint a State High School Textbook Advisory Committee of seven members, from among the county superintendents of schools and the high school principals and high school teachers of the counties and graded common school districts of the Commonwealth.

Before entering upon the discharge of their duties as hereinafter provided, each member of the respective advisory committees shall take the oath prescribed for public officers under Section 228 of the Constitution.

The members of the advisory committees herein provided for shall receive no compensation for their services, but shall be paid their traveling expenses incurred in the discharge of their duties; such expenses to be paid in the same manner as the traveling expenses of the Superintendent of Public Instruction.

The term of office of the members of the advisory committees herein provided for shall expire when the respective lists of textbooks are submitted to the State Board of Education as herein provided for in the next section of this Act.

If it should be necessary to certify new lists within any five-year period, the Superintendent of Public Instruction may, in his discretion, reappoint the members of the old committees or may appoint a new advisory committee as provided for in this section.

Section 4421a-3. The Superintendent of Public Instruction together with the State Elementary School Textbook Advisory Committee shall prepare a provisional State Elementary School Textbook List and, together with the State High School Textbook Advisory Committee, shall prepare a provisional State High School Textbook List from the lists of books filed with the Superintendent of Public Instruction.

These provisional lists shall contain not less than six textbooks for each of the studies required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the State. Provided, if there shall be less than six textbooks filed with the Superintendent of Public Instruction on any subject, the number so filed shall constitute the provisional list for that subject, provided the prices listed by the publisher are satisfactory. The respective lists of textbooks, when signed by the Superintendent of Public Instruction together with the majority of the respective advisory committees, shall be transmitted by the Superintendent of Public Instruction to the State Board of Education. The lists so transmitted and filed shall give the title of each textbook, the name of the publisher, the net wholesale price, and the net exchange price, at which said books were filed, also, the retail exchange price and the retail price as hereinafter determined by the provisions of this Act. These provisional lists shall be furnished by the Superintendent of Public Instruction to the State Board of Education not later than December 15, 1923, and not later than that date every five years thereafter.

Section 4421a-4. On or after December 15, 1923, and not later than February 1, 1924, and within a like period every five years thereafter, the State Board of Education shall adopt by a majority vote of its members, from the provisional lists of books submitted to it by the Superintendent of Public Instruction and the advisory committees herein provided for, a State Elementary School Textbook List and a State High School Textbook List. These respective lists shall contain not less than three, provided the prices listed by the publisher are satisfactory, nor more than six textbooks for each subject required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the Commonwealth. If there shall be not more than three textbooks filed with the Superintendent of Public Instruction on any subject, the number so filed shall constitute the adopted

list for that subject. A single textbook or series of textbooks in the same subject shall be counted as one textbook. Parts of two different series in the same subject shall not be adopted, except in reading in which a primary series from one series and an advance series from another series may be adopted and together count as one textbook. Nor shall the State Board of Education adopt more than two textbooks or series of textbooks on the same subject published or submitted by any one textbook company, publisher, or individual.

When such textbooks are adopted by the State Board of Education and thereby placed on the State Elementary School Textbook List, or on the State High School Textbook List, said books shall not be dropped therefrom within five years, except for a violation of the terms of the publisher's contract or a violation of the provisions of this Act by the publishers thereof, and by a unanimous vote of the Board.

The several textbooks adopted by the State Board of Education and included in the State Elementary School Textbook List, and in the State High School Textbook List, shall be the only basic textbooks used in the elementary schools, and in the high schools of the counties and of graded common school districts of the Commonwealth.

The State Board of Education shall from time to time publish the lists of textbooks adopted by it, giving the title of each book, the name of the publisher, the net wholesale price, the net exchange price, and, also, the retail exchange price, and the retail price. Provided that neither the retail price nor the retail exchange price shall exceed twenty (20) per cent of the net wholesale price or of the net exchange price as listed with the Superintendent of Public Instruction.

Section 4421a-5. The Superintendent of Public Instruction shall immediately notify each publisher of the textbooks, listed by the respective publisher, which have been adopted by the State Board of Education for use in the elementary schools, and in the high schools of the counties and graded common school districts of the State. Each publisher shall

immediately thereafter enter into a contract with the State Board of Education in accord with the provisions of this Act and shall simultaneously, with the signing of the contract, execute a bond in favor of the Commonwealth of Kentucky in such penal sums as said Board shall determine. This bond shall be guaranteed by some surety company authorized to do business in the State, and shall provide for the faithful performance of the contract and delivery and furnishing of the books so selected to the common schools of the State as provided for in this Act.

Provided that all contracts shall be for a period of five years from the beginning of the school year next succeeding the date of textbook adoption as provided for above.

Provided further that, if at the expiration of any five-year period, the State Board of Education adopts textbooks other than the ones then in use, it shall be the duty of the succeeding publisher to take up, from the dealers hereafter provided for, all unused new textbooks, in salable condition, of the old adoption at their original contract prices. The respective publisher shall pay all return transportation charges on such textbooks so taken up.

Provided further that, if at the expiration of any five-year period, the State Board of Education adopts textbooks other than the ones then in use, it shall be the duty of the succeeding publisher to take up, through properly appointed dealers as hereinafter provided for, from the pupil children, at an exchange price to be fixed by the State Board of Education, all textbooks displaced in the same subject and of the same grade. The net exchange price for any textbook listed by a publisher with the Superintendent of Public Instruction shall hold good for not less than one year from the date that the contract with the publisher of said textbook goes into effect.

Provided, further, that it shall be the duty of the publishers to maintain in the hands of responsible dealers here-

after provided for, upon the order of such dealers, an ample supply of the textbooks adopted, but nothing in this Act shall compel the publisher to supply books to dealers who can not establish credit.

And provided further that, exclusive of transportation charges which shall be paid by the dealers, the exchange retail price and the retail price which may be charged by dealers shall in no instance exceed twenty (20) per cent of the net wholesale price, or of the net exchange price listed by the publisher with the Superintendent of Public Instruction.

Section 4421a-6. On or after February 1, 1924, but not later than March 15, 1924, and within a like period every five years thereafter, the county superintendent of each county shall appoint a county advisory textbook committee of seven members, from among the elementary and high school teachers and principals of the common schools of the county and of the graded school districts within the county. The county superintendent, together with the advisory textbook committee thus appointed, shall select from the State Elementary School Textbook List, and from the State High School Textbook List, one textbook for each of the subjects required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the Commonwealth. Said provisional county lists, when so selected, shall be certified by the county superintendent, and a majority of the advisory committee to the county board of education. Said provisional county lists shall contain not more than one textbook for each subject required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the Commonwealth. Said lists shall be submitted by the county superintendent not later than March 15, 1924, and not later than the same date each five years thereafter.

Before entering upon the discharge of their duties each member of the advisory committee herein provided for shall

take the oath prescribed for public officers under Section 228 of the Constitution.

The term of office of the members of the advisory committee herein provided for shall expire when the full county lists of textbooks are adopted by the county board of education as provided for in the next section of this Act.

If it should be necessary to certify new lists within any five-year period, the county superintendent may, in his discretion, reappoint the members of the old advisory committee or may appoint a new advisory committee, as provided for in this section.

Section 4421a-7. On or after March 15, 1924, but not later than April 15, 1924, and within a like period every five years thereafter, the county board of education for each county shall adopt, from the provisional county elementary school textbook list, and from the provisional county high school textbook list submitted by the county superintendent and the county advisory textbook committee herein provided for, one textbook for each of the subjects required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the Commonwealth.

The county board of education may reject any textbook contained in the lists of textbooks submitted by the county superintendent and the advisory textbook committee, but may not add textbooks thereto. Whenever a county board of education fails to adopt any textbook included in the lists submitted by the county superintendent and the county advisory textbook committee, the county superintendent and the county advisory textbook committee shall within one week submit to the county board of education another textbook in the subject in which the former recommendation was rejected, and so on until one textbook is adpoted by the county board of education for each subject required by law or prescribed by the State Board of Education to be taught in the elementary

schools, and in the high schools of the Commonwealth. Provided that in each instance, when a textbook is rejected, the county board of education shall enter upon its minutes as a part of its permanent records the reasons for such rejection; provided, further, that the second textbook recommended for the same subject by the county superintendent and the county advisory textbook committee shall constitute the adopted textbook for that subject.

The several textbooks adopted by the county board of education shall constitute the county elementary textbook list, and the county high school textbook list, and shall be the only basic textbook used in the schools of the county and graded common school districts within the county. Supplemental textbooks both in elementary and high school subjects may be used, but these shall not be used in exclusion of the basic textbooks adopted.

When a textbook has been placed on the lists by the county board of education, it shall not be dropped therefrom within a period of five years thereafter, unless such textbook shall have been dropped from the State Elementary Textbook List, or State High School Textbook List, in which case another textbook shall be adopted in place thereof by the county board of education.

The county board of education shall publish from time to time a list of the textbooks adopted by it for use in the elementary schools, and in the high schools of the county and graded common school districts within the county. Such publication shall give the name and the title of each textbook, the name of the publisher, net wholesale price, net exchange price, the retail exchange price, and the retail price, and shall be distributed to school officials, teachers, and interested citizens of the county when such citizens may request, and a copy shall also be furnished to the State Board of Education.

Section 4421a-8. The county superintendent shall appoint an adequate number of dealers appropriately distri-

buted throughout the county, and graded common school districts within the county, and the county board of education, on the recommendation of the county superintendent, shall prescribe rules and regulations governing the handling and distribution of textbooks by said dealers. No dealer shall sell textbooks at a higher retail exchange price or a higher retail price than that fixed by the provisions of this Act. Any dealer charging a higher retail exchange price or a higher retail price for books than that fixed by the provisions of this Act shall be deprived of the right to handle and sell textbooks.

Any textbook dealer may purchase from any person any regular adopted textbook at a fair valuation thereof, not in excess of the original contract price, and is authorized to re-sell the same at a profit not exceeding twenty (20) per cent of the purchase price, provided that no textbook shall be so purchased or sold that does not correspond in every particular with the book filed by the publisher with the State Board of Education. When such books are purchased by a dealer, he shall immediately print or stamp or write on said book on the inside cover, the purchase price thereof, together with the selling price which shall not exceed twenty (20) per cent of the purchase price.

Section 4421a-9. Whenever it is made to appear to a county superintendent or to a principal of a graded common school district that parents, guardians, or other persons having custody of any child, or without means to purchase or supply textbooks for such child, the county board of education or the board of trustees shall furnish the said child with the necessary textbooks, free of cost, and pay for the same out of school funds subject to its disposal.

Section 4421a-10. City boards of education shall adopt textbooks for use in the schools under their respective jurisdiction, subject to the provisions of the laws governing schools in cities of the First, Second, Third and Fourth Class, the

provisions of this Act, and on the written recommendation of the city superintendent of schools.

Any textbooks included in the State Elementary School Textbook List, and in the State High School Textbook List may be adopted by a city board of education, and shall be furnished to it by the respective textbook company, publisher, or individual, at the prices listed in the State textbook lists.

Before any textbook not included in one of the State textbook lists shall be offered by any textbook company, publisher, or individual for adoption by a city board of education, it shall be first listed with the State Board of Education, along with a signed statement of the net wholesale and net exchange prices at which it will be furnished to city boards of education.

All contracts between a city board of education and textbook companies, publishers, or individuals to supply textbooks, shall be drawn on forms furnished by the State Board of Education, and a copy of each such contract shall be filed with the State Board by the city board of education.

All adoptions of textbooks and all contracts therefor, shall be for five (5) years from the date of the expiration of existing contracts; the elementary textbooks adopted shall be the only basic textbooks used in the elementary schools, and the high school textbooks adopted shall be the only basic textbooks used in the high schools under the jurisdiction of the respective city board of education. The use of supplementary books should be encouraged, but supplementary books may not be used to the exclusion of the basic textbooks adopted.

§ 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

The Substitute as offered by the Committee on Education No. 2 is as follows, viz:

An Act to repeal Section 30 and Section 31 of Chapter 13 of the Acts of the General Assembly of 1910, relating to textbook commissions for cities; also, Section 4421a-1, Section

4421a-30 and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the selection of textbooks for the common schools by a State Textbook Commission; also, Section 4421b-1, Section 4421b-32 and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the selection of textbooks for common schools by textbook commissions in cities of the first, second, third and fourth class; and in order to provide an effective method of selecting textbooks for the common schools be there provided in lieu thereof the following sections, relating to the selection of textbooks for the common schools:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 30 and Section 31 of Chapter 13 of the Acts of the General Assembly of 1910, relating to textbook commissions for cities; also, Section 4421a-1, Section 4421a-30 and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the selection of textbooks for the common schools by a State Textbook Commission; also, Section 4421b-1, Section 4421b-32 and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the selection of textbooks for the common schools by textbook commissions for cities of the first, second, third and fourth class, be and the same are hereby repealed; and in lieu thereof are now enacted the following sections to be known and designated as:

Section 4421a-1. Any person or corporation desiring to furnish textbooks for use in the common schools of the Commonwealth of Kentucky shall, between June 1, 1923, and October 1, 1923, and within a like period every five years thereafter, file with the Superintendent of Public Instruction a list of such books, specifying in each instance the net wholesale price at which they will furnish such books, and the net exchange price at which such books will be furnished to Boards

of Education or their authorized agents for exchange for old books in the hands of pupil children in the same subject and of the same grade. There shall be submitted with each list, samples of the books proposed to be furnished and, if such books shall be afterwards adopted for use in the common schools of the State, the books subsequently furnished shall correspond in every respect with the samples filed, provided that no book shall be listed which is not printed and published.

Section 4421a-3. The Superintendent of Public Instruction shall prepare a provisional State Elementary School Textbook List and shall prepare a provisional State High School List from the lists of books filed with the Superintendent of Public Instruction. These provisional lists shall contain not less than ten textbooks for each of the studies required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the State. Provided, if there shall be less than ten textbooks filed with the Superintendent of Public Instruction on any subject, the number so filed shall constitute the provisional list for that subject. No order of preference or grading shall be indicated as between the several books in such provisional lists. The respective lists of textbooks, when signed by the Superintendent of Public Instruction, shall be transmitted by him to the State Board of Education. The lists so transmitted and filed shall give the title of each textbook, the name of the publisher, the net wholesale price, and the net exchange price, at which said books were filed, also, the retail exchange price and the retail pirce as hereinafter determined by the provisions of this Act. These provisional lists shall be furnished by the Superintendent of Public Instruction to the State Board of Education not later than December 15, 1923, and not later than that date every five years thereafter.

Section 4421a-4. On or after December 15, 1923, and not

later than February 1, 1924, and within a like period every five years thereafter, the State Board of Education shall adopt by a majority vote of its members, from the provisional lists of books submitted to it by the Superintendent of Public Instruction, a State Elementary School Textbook List and a State High School Textbook List. These respective lists shall contain not less than ten textbooks for each subject required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the Commonwealth. If there shall be not more than ten textbooks filed with the Superintendent of Public Instruction on any subject, the number so filed shall constitute the adopted list for that subject. A single textbook or series of textbooks in the same subject shall be counted as one textbook. Parts of two different series in the same subject shall not be adopted, except in reading in which a primary series from one series and an advanced series from another series may be adopted and together count as one textbook. Nor shall the State Board of Education adopt more than two textbooks or series of textbooks on the same subject published or submitted by any one textbook company, publisher, or individual.

When such textbooks are adopted by the State Board of Education and thereby placed on the State Elementary School Textbook List, or on the State High School Textbook List, said books shall not be dropped therefrom within five years, except for a violation of the terms of the publisher's contract or a violation of the provisions of this Act by the publishers thereof, and by a unanimous vote of the board.

The several textbooks adopted by the State Board of Education and included in the State Elementary School Textbook List, and in the State High School Textbook List, shall be the only basic textbooks used in the elementary schools, and in the high schools of the counties and of graded common school districts of the Commonwealth.

The State Board of Education shall from time to time publish the lists of textbooks adopted by it, giving the title of each book, the name of the publisher, the net wholesale price, the net exchange price, and also the retail exchange price, and the retail price. Provided that the retail price shall not be more than twenty (20) per cent greater than the net wholesale price, and provided that the retail exchange price shall not be more than twenty (20) per cent greater than the net exchange price as listed with the Superintendent of Public Instruction.

No order of preference or grading shall be indicated as between the several books in such published lists of textbooks adopted by the State Board of Education.

Section 4421a-5. The Superintendent of Public Instruction shall immediately notify each publisher of the textbooks, listed by the respective publisher, which have been adopted by the State Board of Education for use in the elementary schools, and in the high schools of the counties and graded common school districts of the State. Each publisher shall immediately thereafter enter into a contract with the State Board of Education in accord with the provisions of this Act and shall simultaneously, with the signing of the contract, execute a bond in favor of the Commonwealth of Kentucky in such penal sums as said board shall determine. This bond shall be guaranteed by some surety company authorized to do business in the State, and shall provide for the faithful performance of the contract and delivery and furnishing of the books so selected to the common schools of the State as provided for in this Act.

Provided that all contracts shall be for a period of five years from the beginning of the school year next succeeding the date of textbook adoption as provided for above.

Provided further that, if at the expiration of any five-year period, the State Board of Education adopts textbooks other than the ones then in use, it shall be the duty of the succeeding publisher to take up, from the dealers hereafter

provided for, all unused new textbooks, in salable condition, of the old adoption at their original contract net wholesale prices, and furnish in exchange therefor newly adopted books of the same grade and subject, dollar's worth for dollar's worth, at the net wholesale prices of each.

Provided further that if at the expiration of any five-year period the State Board of Education adopts textbooks other than the ones then in use, the publisher of the newly adopted books shall take up in exchange for such books, from the pupil children, through the appointed dealers hereinafter provided for, the displaced textbooks of same subject and same grade. The exchange price to be paid for the new book shall be the exchange price fixed by the State Board of Education as hereinbefore provided. This exchange privilege shall hold good for one year from date of contract with the publisher.

Provided further that it shall be the duty of the publishers to sell to responsible dealers hereafter provided for, upon the order of such dealers, an ample supply of the textbooks adopted, but nothing in this Act shall compel the publisher to supply books to dealers who cannot establish credit.

And provided further that, exclusive of transportation charges which shall be paid by the dealers, the exchange retail price and the retail price which may be charged by dealers shall not be more than twenty (20) per cent greater than the net wholesale price, or of the net exchange price listed by the publisher with the Superintendent of Public Instruction.

Section 4421a-6. On or after February 1, 1924, but not later than March 15, 1924, and within a like period every five years thereafter, the county superintendent of each county shall appoint a county advisory textbook committee of seven members, from among the elementary and high school teachers and principals of the common schools of the county and of the graded school districts within the county. The county superintendent, together with the advisory textbook com-

mittee thus appointed, shall select from the State Elementary School Textbook List, and from the State High School Textbook List, one textbook for each of the subjects required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the Commonwealth. Said provisional county lists, when so selected, shall be certified by the county superintendent, and a majority of the advisory committee to the county board of education. Said provisional county lists shall contain not more than one textbook for each subject required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the Commonwealth. Said list shall be submitted by the county superintendent not later than March 15, 1924, and not later than the same date each five years thereafter.

Before entering upon the discharge of their duties each member of the advisory committee herein provided for shall take the oath prescribed for public officers under Section 228 of the Constitution.

The term of office of the members of the advisory committee herein provided for shall expire when the full county lists of textbooks are adopted by the county board of education as provided for in the next section of this Act.

If it should be necessary to certify new lists within any five-year period, the county superintendent may, in his discretion, reappoint the members of the old advisory committee or may appoint a new advisory committee, as provided for in this section.

Section 4421a-7. On or after March 15, 1924, but not later than April 15, 1924, and within a like period every five years thereafter, the county board of education for each county shall adopt, from the provisional county elementary school textbook list, and from the provisional county high school textbook list submitted by the county superintendent and the county advisory textbook committee herein provided

for, one textbook for each of the subjects required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the Commonwealth.

The county board of education may reject any textbook contained in the lists of textbooks submitted by the county superintendent and the advisory textbook committees, but may not add textbooks thereto. Whenever a county board of education fails to adopt any textbook included in the lists submitted by the county superintendent and the county advisory textbook committee, the county superintendent and the county advisory textbook committee, shall within one week submit to the county board of education another textbook in the subject in which the former recommendation was rejected, and so on until one textbook is adopted by the county board of education for each subject required by law or prescribed by the State Board of Education to be taught in the elementary schools, and in the high schools of the Commonwealth. Provided that in each instance, when a textbook is rejected, the county board of education shall enter upon its minutes as a part of its permanent records the reasons for such rejection; provided further, that the third textbook recommended for the same subject by the county superintendent and the county advisory textbook committee shall constitute the adopted textbook for that subject, if the county board of education has not adopted a textbook for said subject by May 15, 1924, and by the same date each five years thereafter.

The several textbooks adopted by the county board of education shall constitute the county elementary textbook list, and the county high school textbook list, and shall be the only basic textbook used in the schools of the county and graded common school districts within the county, except as hereinafter provided in Section 4421a-10 of this Act. Supplemental textbooks both in elementary and high school subjects may be used, but these shall not be used in exclusion of the basic textbooks adopted.

When a textbook has been placed on the lists by the county board of education, it shall not be dropped therefrom within a period of five years thereafter, unless such textbook shall have been dropped from the State Elementary Textbook List, or State High School Textbook List, in which case another textbook shall be adopted in place thereof by the county board of education.

The county board of education shall publish from time to time a list of the textbooks adopted by it for use in the elementary schools, and in the high schools of the county and graded common school districts within the county. Such publication shall give the name and the title of each textbook, the name of the publisher, net wholesale price, net exchange price, the retail exchange price, and the retail price, and shall be distributed to school officials, teachers and interested citizens of the county when such citizens may request, and a copy shall also be furnished to the State Board of Education.

Section 4421a-8. The county superintendent shall appoint an adequate number of dealers appropriately distributed throughout the county, and graded common school districts within the county, and the county board of education, on the recommendation of the county superintendent, shall prescribe rules and regulations governing the purchase of adopted textbooks directly and exclusively from the publishers of such books and the handling and distribution of the same by said dealers. No dealer shall sell textbooks at a higher retail exchange price or a higher retail price than that fixed by the provisions of this Act. Any dealer charging a higher retail exchange price or a higher retail price for books than that fixed by the provisions of this Act shall be deprived of the right to handle and sell textbooks.

Section 14. When a family removes from one school district to another within the State, the board of education of the district shall purchase, out of the contingent fund, the textbooks in actual use by the children of the family at a fair price, based on the condition of the books; the said books to

be re-sold, when necessary, to other pupils moving into the said district.

Section 4421a-9. Whenever it is made to appear to a county superintendent or to a principal of a graded common school district that parents, guardians, or other persons having custody of any child, are without means to purchase or supply textbooks for such child, the county board of education or the board of trustees shall furnish the said child with the necessary textbooks, free of cost, and pay for the same out of school funds subject to its disposal.

Section 4421a-10. City boards of education shall adopt textbooks for use in the schools under their respective jurisdiction, subject to the provisions of the laws governing schools in cities of the first, second, third and fourth class, the provisions of this Act, and on the written recommendation of the city superintendent of schools.

Any textbooks included in the State Elementary School Textbook List, and in the State High School Textbook List may be adopted by a city board of education, and shall be furnished to it by the respective textbook company, publisher, or individual, at the prices listed, in the State textbook lists.

Before any textbook not included in one of the State textbook lists shall be offered by any textbook company, publisher, or individual for adoption by a city board of education, it shall be first listed with the State Board of Education, along with a signed statement of the net wholesale and net exchange prices at which it will be furnished to city boards of education.

All contracts between a city board of education and textbook companies, publishers or individuals to supply textbooks, shall be drawn on forms furnished by the State Board of Education, and a copy of each such contract shall be filed with the State Board by the city board of education.

All adoptions of textbooks and all contracts therefor, shall be for five (5) years from the date of the expiration of existing contracts; the elementary textbooks adopted shall

be the only basic textbooks used in the elementary schools, and the high school textbooks adopted shall be the only basic textbooks used in the high schools under the jurisdiction of the respective city board of education. The use of supplementary books should be encouraged, but supplementary books may not be used to the exclusion of the basic textbooks adopted.

§ 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Mr. Waggoner offered the following Amendment to the Committee Substitute, viz:

Amend by inserting before sec. 2, page 10, the following words:

"Any publisher holding a contract to furnish a textbook or textbooks for use in any Kentucky School shall furnish said textbook or textbooks at a price as low as that at which said publisher furnishes said textbook or textbooks in any other state. If any textbook adopted by a city or county or state board of education shall, within the period for which it was adopted, be revised, the adopting board shall have the privilege of electing whether it will use the original or the revised edition, and it shall be the duty of the publisher to furnish the revised edition at the same price as that for which said publisher contracted to furnish the original edition. All supplements to any adopted textbook made during the period of adoption shall be furnished by the publisher free of cost."

Said Amendment was agreed to.

Mr. Holder offered the following Amendments to the Committee Substitute, viz:

"Amend Sec. 4421a-5, page 5, lines 122 and 123, by strik-

ing out the words 'to sell to' and by substituting these words 'to maintain in the hands of.' "

Amend by striking out sec. 14, and by inserting in lieu thereof the following:

"Sec. 14. When a family having children within school age moves from one county to another within the state or from a county to a city of the first, second, third, or fourth class within the state, if the county schools or city schools in the county or city into which said family has moved be not the same as those used in the county schools in the county from which the family has moved, it shall be the duty of the publisher or publishers of the books used in the county or city into which the said family has moved to take up through the appointed dealers herein provided for from the pupil children of said family at an exchange price to be fixed by the state board of education all textbooks in the same subject and of the same grade used in the county from which said family has moved."

Amend Sec. 4421a-3, page 2, line 32, by adding after the words "schools of the State". the following: "provided the prices listed by publishers be satisfactory."

Amend Sec. 4421a-3, page 2, line 26, by inserting after "instruction" and before "shall prepare" the following words, "together with the State School Textbook Committee."

Said Amendments were each and severally agreed to.

Mr. Tinsley offered the following Amendment to said Substitute, viz:

Amend sec. 4421a-5, page 6, line 126, by adding after the

words "establish credit" these words, "if any publisher having a contract with the state to furnish textbooks shall fail within 30 days after order is sent to supply any dealer, authorized to handle such textbooks and having an established credit, with textbooks and in amount ordered, said publisher shall be deemed guilty of having violated his contract and shall forfeit his bond and lose his adoption."

Said Amendment was agreed to.

Mr. Park offered the following Amendment to said Substitute, viz:

Amend Sec. 4421a-4, page 3, line 53, by striking out the words "not less than ten" and substituting therefor the words "not less than three nor more than six, provided the prices listed by publisher are satisfactory."

Said Amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Jeter and Holder were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Frank J. Humbert	Brodie Payne
Berl Boyd	Lester Jeter	S. R. Powell
John E. Brown	Wright Kelly	Arch M. Quarles
Lee Clark	H. R. Lawrence	R. I. Rice
J. C. Day	Oscar Leibson	George W. Smith
Dr. H. M. Fultz	Martin Light	H. V. Thompson
W. L. Gossett	R. C. Moore	John M. Tinsley
Bryant Green	W. T. McGuire	John L. Trumbo
Ed. A. Gullion	R. D. McMurtry	Geo. C. Waggoner
Thos. O. Holder	James Park	W. D. Watkins

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Those who voted in the negative were—

B. C. Beckmann	David J. Howard	H. Walter Pierce
J. E. Bickett	R. O. Huntsman	Arthur Saunders
W. M. Boling	J. T. Jennings	David I. Scott
J. F. Bosworth	Ira Jones	Lee L. Simons
Thos. Bowman	S. B. Lane	Reuben E. Skaggs
Sam A. Cary	C. C. May	R. F. Stewart
Chas. Chandler	Harry J. Meyers	D. D. Thornberry
E. B. Cross	Harry B. Miller	Garnett W. Tolin
Bryce Cundiff	Claude D. Minor	N. I. Toombs
O. A. Denton	S. H. Moore	Chas. B. Truesdell
A. W. Dorsey	Ed. P. Murrah	Fred C. Vanhoose
H. C. Duffy	B. A. Muster	Oscar Vest
W. D. Duncan	C. D. McCaw	W. T. Walker
George W. Ellis	Chas. A. Nelson	W. S. Wallen
Emery L. Frazier	Geo. W. Newman	W. G. Wheeler
J. Edgar Hadden	D. A. O'Donovan	J. B. Wicker
Oscar P. Harvey	C. C. Oney	T. C. Willis
H. C. Hawkins		—52

Mr. Park offered the following Amendment to said Substitute, viz:

Amend sec. 4421a-10, page 10, line 269, by adding after the words "textbooks adopted" the following words:

"Nothing in this Act shall be construed as compelling any county or city board of education to change any book or books now in use or that may hereafter be adopted for use in the schools in said county or city, unless such change be for the improvement of the schools and the benefit of the school children."

Said Amendment was agreed to.

Mr. Amos offered the following Amendment to said Substitute, viz:

Amend by striking out sec. 4421a-3 and Sec. 4421a-4.

Mr. Meyers raised the Point of Order that said Amendment had been previously considered by the House and action taken thereon, and that the vote by which said action had been taken had been reconsidered and that that motion was laid upon the table.

Acting Speaker Mr. Simons sustained said Point of Order.

Mr. Park moved that the House do now resolve itself into the Committee of the Whole House for the Purpose of hearing Professor Colvin, Superintendent of Public Instruction, discuss the merits of the bill under consideration for fifteen minutes.

Said motion was disagreed to.

Mr. Minor moved that the Session of today be extended indefinitely.

Said motion was agreed to.

Mr. Minor moved the Previous Question as touching the Committee Substitute and all Amendments thereto.

The Speaker stated, shall the main question be now put.

The vote being taken thereon was decided in the affirmative.

Mr. Meyers moved that the vote by which said Previous Question was ordered be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Amendment offered by the Committee by way of Substitute for said bill was agreed to, as amended.

The yeas and nays being required thereon by Messrs. Jeter and Holder were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	H. C. Hawkins	C. C. Oney
B. C. Beckmann	David J. Howard	Arthur Saunders
J. E. Bickett	R. O. Huntsman	David I. Scott
W. M. Boling	Ira Jones	Lee L. Simons
J. F. Bosworth	S. B. Lane	Frank L. Strange
Thos. Bowman	Leon P. Lewis	H. Q. Thompson
Sam A. Cary	Rufus Lisle	D. D. Thornberry
Chas. Chandler	C. C. May	Garnett W. Tolin
E. B. Cross	Harry J. Meyers	N. I. Toombs
O. A. Denton	Harry B. Miller	Chas. B. Truesdell
A. W. Dorsey	Claude D. Minor	John L. Trumbo
H. C. Duffy	B. A. Muster	W. T. Walker
W. D. Duncan	C. D. McCaw	W. S. Wallen
George W. Ellis	W. T. McGuire	W. D. Watkins
Emery L. Frazier	E. E. Nelson	W. G. Wheeler
J. Edgar Hadden	Chas. A. Nelson	J. B. Wicker
Arch L. Hamilton	Geo. W. Newman	T. C. Willis

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Those who voted in the negative were—

R. M. Amos	Thos. O. Holder	Brodie Payne
Berl Boyd	J. T. Jennings	S. R. Powell
John E. Brown	Lester Jeter	Arch M. Quarles
Lee Clark	Wright Kelly	R. I. Rice
Bryce Cundiff	H. R. Lawrence	Reuben E. Skaggs
J. C. Day	Oscar Leibson	George W. Smith
Dr. H. M. Fultz	Martin Light	R. F. Stewart
W. L. Gossett	S. H. Moore	H. V. Thompson
Bryant Green	Ed. P. Murrah	John M. Tinsley
Ed. A. Gullion	R. D. McMurtry	Fred C. Vanhoose
Oscar P. Harvey	James Park	Geo. C. Waggoner

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Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	H. Walter Pierce
R. M. Amos	David J. Howard	S. R. Powell
B. C. Beckmann	Frank J. Humbert	Arthur Saunders
J. E. Bickett	R. O. Huntsman	David I. Scott
W. M. Boling	Ira Jones	Lee L. Simons
J. F. Bosworth	S. B. Lane	Reuben E. Skaggs
Thos. Bowman	Leon P. Lewis	Ira D. Smith
Sam A. Cary	Martin Light	Frank L. Strange
Chas. Chandler	Rufus Lisle	H. Q. Thompson
E. B. Cross	C. C. May	D. D. Thornberry
Bryce Cundiff	Harry J. Meyers	John M. Tinsley
O. A. Denton	Harry B. Miller	Garnett W. Tolin
A. W. Dorsey	Claude D. Minor	N. I. Toombs
H. C. Duffy	S. H. Moore	Chas. B. Truesdell
W. D. Duncan	B. A. Muster	John L. Trumbo
George W. Ellis	C. D. McCaw	W. T. Walker
Mrs. M. E. Flannery	W. T. McGuire	W. S. Wallen
Emery L. Frazier	E. E. Nelson	W. D. Watkins
Ed. A. Gullion	Geo. W. Newman	W. G. Wheeler
Arch L. Hamilton	D. A. O'Donovan	J. B. Wicker
Oscar P. Harvey	C. C. Oney	T. C. Willis
H. C. Hawkins		

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Those who voted in the negative were—

Berl Bovd	Lester Jeter	Arch M. Quarles
John E. Brown	Wright Kelly	R. I. Rice
Lee Clark	H. R. Lawrence	George W. Smith
Dr. H. M. Fultz	Oscar Leibson	R. F. Stewart
W. L. Gossett	R. D. McMurtry	H. V. Thompson
Bryant Green	James Park	Fred C. Vanhoose
J. Edgar Hadden	Brodie Payne	Geo. C. Waggoner

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Resolved that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

By unanimous consent the following bills were introduced:

By Mr. Lisle.

H. B. 451. An Act to amend Sec. 5, of Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and highways.

By Mr. Howard.

H. B. 452. An Act to amend Sec. 5, project No. 32, of Chapter 17 of the Acts of the General Assembly 1920, by adding to and extending said project.

Said bills were ordered printed and referred to Committee on Rules.

The hour of twelve-thirty having arrived, Mr. Minor moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

The hour of one-thirty o'clock having arrived, the Speaker resumed the Chair and called the House to order.

By unanimous consent, Mr. Lisle introduced a bill of the following title, viz:

H. B. 456. An Act to amend Section 1893b-1 of the

General Statutes of Kentucky with reference to the lawful manner of taking fish from public waters of the State.

Said bill was ordered printed and referred to Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a Resolution of the following title, viz.:

H. Res. 16. Resolution for the benefit of James E. Hudson.

Said Resolution is as follows, viz:

Whereas, James E. Hudson, elevator boy at the State House, has been compelled to work many nights, after his day's work had been completed, in order to accommodate the members of this House and the Senate as well, in the various hearings before committees and caucus of the two bodies, and

Whereas, there is no provision to reimburse the said James E. Hudson for such services, except by special appropriation, and

Whereas, his services have been essential to the comfort of the members of the House and Senate, and beneficial in the expediting of business; now therefore,

Be it resolved:

That there is hereby appropriated out of the general fund, not otherwise appropriated, the sum of $180.00, to be paid the said James E. Hudson for his services as set out above, and the Auditor of Public Accounts will draw his warrant upon the State Treasurer for said amount, upon same being certified to him by the chief clerk of the House.

Ordered that said Resolution be read the third time.

The Constitutional provision as to the third reading of said Resolution at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being required thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Lester Jeter	Arthur Saunders
R. M. Amos	Ira Jones	David I. Scott
B. C. Beckmann	Wright Kelly	Lee L. Simons
W. M. Boling	S. B. Lane	Reuben E. Skaggs
J. F. Bosworth	Oscar Leibson	George W. Smith
Thos. Bowman	Leon P. Lewis	Ira D. Smith
Berl Boyd	Martin Light	R. F. Stewart
Lee Clark	Rufus Lisle	Frank L. Strange
Bryce Cundiff	C. C. May	H. V. Thompson
O. A. Denton	Harry J. Meyers	H. Q. Thompson
A. W. Dorsey	Claude D. Minor	D. D. Thornberry
George W. Ellis	R. C. Moore	John M. Tinsley
Mrs. M. E. Flannery	S. H. Moore	Garnett W. Tolin
W. L. Gossett	B. A. Muster	N. I. Toombs
Bryant Green	C. D. McCaw	Chas. B. Truesdell
Ed. A. Gullion	W. T. McGuire	Oscar Vest
J. Edgar Hadden	R. D. McMurtry	Geo. C. Waggoner
Arch L. Hamilton	Chas. A. Nelson	W. T. Walker
Oscar P. Harvey	Geo. W. Newman	W. S. Wallen
H. C. Hawkins	James Park	W. D. Watkins
David J. Howard	Brodie Payne	W. G. Wheeler
Frank J. Humbert	H. Walter Pierce	J. B. Wicker
R. O. Huntsman	S. R. Powell	T. C. Willis
J. T. Jennings	R. I. Rice	—71

Resolved that the title thereof be as aforesaid.

Mr. Bosworth moved that the vote by which said Resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration a resolution of the following title, viz:

S. Res. 22. Resolution covering increased pay for Clerks of Senate and Clerks of House.

Said Resolution is as follows, viz:

Whereas, the clerks of the Senate and the House of Representatives have many duties, which are arduous and which require many hours of exacting work during the day and nights during the session of the General Assembly, and

Whereas, the work is exacting and the per diem is not in any manner in proportion, for the services they are required to render, and

Whereas, it has been the custom for years of former General Assemblies to make to such clerks an appropriation to further compensate them for the work they are required to do,

Therefore be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the chief clerk of the Senate and the chief clerk of the House of Representatives and the assistant clerk of the Senate and the assistant clerk of the House of Representatives each be allowed the sum of two hundred and fifty dollars to be paid out of the State Treasury, and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of said chief clerks and assistant clerks of the Senate and the House of Representatives for the amount named in this resolution.

Ordered that said Resolution be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Frank J. Humbert	H. Walter Pierce
R. M. Amos	R. O. Huntsman	Arch M. Quarles
B. C. Beckmann	J. T. Jennings	R. I. Rice
W. M. Boling	H. R. Lawrence	David I. Scott
J. F. Bosworth	Oscar Leibson	Lee L. Simons
John E. Brown	Leon P. Lewis	George W. Smith
Lee Clark	Martin Light	Ira D. Smith
Bryce Cundiff	Rufus Lisle	R. F. Stewart
O. A. Denton	C. C. May	Frank L. Strange
A. W. Dorsey	Harry J. Meyers	D. D. Thornberry
G. Lucien Drury	Harry B. Miller	John M. Tinsley
George W. Ellis	Claude D. Minor	Garnett W. Tolin
Mrs. M. E. Flannery	R. C. Moore	N. I. Toombs
Emery L. Frazier	C. D. McCaw	Chas. B. Truesdell
W. L. Gossett	W. T. McGuire	Oscar Vest
Ed. A. Gullion	R. D. McMurtry	Geo. C. Waggoner
J. Edgar Hadden	E. E. Nelson	W. T. Walker
Arch L. Hamilton	Chas. A. Nelson	W. D. Watkins
Oscar P. Harvey	D. A. O'Donovan	W. G. Wheeler
H. C. Hawkins	C. C. Oney	J. B. Wicker
David J. Howard	Brodie Payne	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Lisle moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 15. Resolution for the benefit of Martin Glenn and Clifford Thomas, Janitors of the Senate and House of Representatives.

Said Resolution is as follows, viz:

Whereas, Martin R. Glenn and Clifford W. Thomas, janitors of the Senate and the House of Representatives, have been designated by the Senate and the House to act as bill clerks of the Senate and the House, and

Whereas, the duties of janitor of the Senate and the House of Representatives are prescribed in Section 1989 of the Kentucky Statutes, and are limited to keeping the Senate Chamber and the House of Representatives in a cleanly condition, and

Whereas, the work of the bill clerks is arduous, and exacting, and extra compensation should be paid them for their services as such,

Therefore, be it resolved by the Senate, the House of Representatives concuring herein, that the said Martin R. Glenn and Clifford W. Thomas be allowed the sum of $3.00 per day each in addition to what they receive as janitor, the same to be paid by the Treasurer, on warrants drawn on him by the Auditor of Public Accounts, out of any funds in his hands not otherwise appropriated.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length the third time, being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Lester Jeter	H. Walter Pierce
R. M. Amos	Ira Jones	R. I. Rice
B. C. Beckmann	Wright Kelly	Arthur Saunders
W. M. Boling	H. R. Lawrence	Lee L. Simons
J. F. Bosworth	Oscar Leibson	Reuben E. Skaggs
Berl Boyd	Martin Light	George W. Smith
Bryce Cundiff	C. C. May	R. F. Stewart
A. W. Dorsey	Harry J. Meyers	H. V. Thompson
W. D. Duncan	Harry B. Miller	H. Q. Thompson
George W. Ellis	Claude D. Minor	D. D. Thornberry
Mrs. M. E. Flannery	S. H. Moore	Garnett W. Tolin
Dr. H. M. Fultz	B. A. Muster	N. I. Toombs
W. L. Gossett	C. D. McCaw	Chas. B. Truesdell
Ed. A. Gullion	W. T. McGuire	Oscar Vest
J. Edgar Hadden	R. D. McMurtry	Geo. C. Waggoner
Oscar P. Harvey	E. E. Nelson	W. T. Walker
H. C. Hawkins	D. A. O'Donovan	W. S. Wallen
Thos. O. Holder	C. C. Oney	W. D. Watkins
David J. Howard	James Park	J. B. Wicker
Frank J. Humbert	Brodie Payne	T. C. Willis
R. O. Huntsman		—61

There voted in the negative—

E. B. Cross —1

Resolved that the title thereof be as aforesaid.

Mr. Waggoner moved that the vote by which said Resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House

took up for consideration from the Orders of the Day, a Resolution entitled:

S. Res. 16. Resolution for the benefit of certain officers and employees of the General Assembly.

Said Resolution is as follows, viz:

Whereas, the above named sergeant-at-arms and doorkeepers, as above designated are now serving in their respective stations at the salary of five dollars per day each, and whereas, the said salary is not enough and in keeping with prices paid to other parties for such services, therefore, be it resolved by the Senate and House of Representatives concurring that the said Green Lacy, C. W. Longmire, John Green, F. Boone Rapier, Thomas H. Golden and Lonnie Smith be allowed the sum of $2.00 per day each in addition to what they receive for their services as above set out.

And whereas, Pres Blackburn, Phil McCann and J. D. May are serving as cloak-room keepers to the Senate and House as above set out on a salary of $3.00 each per day, now therefore, be it resolved by the Senate and House of Representatives concurring herein that said parties be allowed the sum of $3.00 per day each in addition to what they now receive.

And whereas, Henry Mashburn, Talbott Wittenberg, Houston Gregory and Andrew Wallace are now serving in the Senate as pages of the Senate, and Ignatius Drury, Dolph Creel, Elliott Flannery and Starling Herrington are now serving as pages in the House of Representatives on a salary of $2.50 per day each; now therefore, be it resolved by the Senate the House of Representatives concurring therein that the said named pages be allowed for their services $1.00 each in addition per day to what they are now receiving for their services, the same to be paid by the Treasury on warrants

drawn on him by the Auditor of Public Accounts out of any funds in his hands not otherwise appropriated.

Ordered that said Resolution be read the third time.

The Constitutional provision as to the third reading of said Resolution at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Ira Jones	Lee L. Simons
R. M. Amos	Wright Kelly	Reuben E. Skaggs
B. C. Beckmann	H. R. Lawrence	Ira D. Smith
C. W. Bennett	Martin Light	R. F. Stewart
J. F. Bosworth	C. C. May	Frank L. Strange
Thos. Bowman	Harry J. Meyers	H. V. Thompson
Chas. Chandler	Harry B. Miller	H. Q. Thompson
E. B. Cross	Claude D. Minor	D. D. Thornberry
Bryce Cundiff	S. H. Moore	John M. Tinsley
A. W. Dorsey	W. T. McGuire	N. I. Toombs
George W. Ellis	R. D. McMurtry	Chas. B. Truesdell
Mrs. M. E. Flannery	E. E. Nelson	Oscar Vest
Dr. H. M. Fultz	Geo. W. Newman	Geo. C. Waggoner
Ed. A. Gullion	D. A. O'Donovan	W. T. Walker
Oscar P. Harvey	C. C. Oney	W. S. Wallen
Thos. O. Holder	Brodie Payne	W. D. Watkins
David J. Howard	S. R. Powell	W. G. Wheeler
R. O. Huntsman	R. I. Rice	J. B. Wicker
J. T. Jennings	Arthur Saunders	T. C. Willis
Lester Jeter	David I. Scott	—59

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said resolution

was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 17. Resolution memoralizing Congress to change the Revenue Laws.

Said Resolution is as follows, viz:

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Whereas, under the United States Income Tax Law of 1919 Section 204 B, it seems that persons and firms making losses in 1919 can go back to 1918 or 1917 under certain conditions and get relief from taxes.

And whereas, from the revenue act of 1921 Section 204 B, it seems that a person or firm making a loss in the year 1921 can make a deduction of such loss from the profits of the following year and even the year after, so as to equalize that loss.

And whereas, owing to the declines during the calendar year 1920 of live stock, grain, cotton, and other farm products the farmers and planters of this country, many of them lost money in 1920.

Be it resolved, that the General Assembly of Kentucky hereby memoralizes Congress to grant to those who lost in the operation of their business during the year of 1920, the same relief in regard to tax exemption as is granted to those who lost in the year 1919 or 1921. This to apply to farmers,

planters, manufacturers, merchants and all others who may have been unfortunate in the year 1920 the same as those who were unfortunate in the other years referred to.

In this period when we are all endeavoring to help the weak and unfortunate of other countries, we feel that Congress should grant some relief to the unfortunate in our own country.

This resolution to be sent to the Senators and Representatives in Congress from Kentucky.

Ordered that said Resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	R. D. McMurtry
R. M. Amos	David J. Howard	E. E. Nelson
B. C. Beckmann	Frank J. Humbert	Geo. W. Newman
C. W. Bennett	R. O. Huntsman	D. A. O'Donovan
J. F. Bosworth	Lester Jeter	C. C. Oney
Thos. Bowman	Ira Jones	Brodie Payne
Chas. Chandler	Wright Kelly	S. R. Powell
E. B. Cross	H. R. Lawrence	R. I. Rice
Bryce Cundiff	Martin Light	Arthur Saunders
A. W. Dorsey	C. C. May	David I. Scott
George W. Ellis	Harry J. Meyers	Lee L. Simons
Mrs. M. E. Flannery	Harry B. Miller	Reuben E. Skaggs
Dr. H. M. Fultz	Claude D. Minor	Ira D. Smith
Ed. A. Gullion	S. H. Moore	R. F. Stewart
Oscar P. Harvey	W. T. McGuire	Frank L. Strange

H. V. Thompson	Chas. B. Truesdell	W. D. Watkins	
H. Q. Thompson	Oscar Vest	W. G. Wheeler	
D. D. Thornberry	Geo. C. Waggoner	J. B. Wicker	
John M. Tinsley	W. T. Walker		
N. I. Toombs	W. S. Wallen		—58

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a Resolution entitled:

S. Res. 18. Resolution providing for the purchase of the Legislative Digest, adopted at the session of 1920 as the official publication for the General Assembly and certain officials.

Said Resolution is as follows, viz:

Whereas, it is a matter of importance and convenience that each Senator and Representative be advised as to the various and detailed steps of legislation; and,

Whereas, this General Assembly for the past seven sessions has approved and adopted as its official publication "The Legislative Digest," a publication under the editorship and management of competent and experienced persons, the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to the matter affecting them in an intelligent and prompt manner; therefore,

Be it resolved by the Senate of Kentucky, the House of Representatives Concurring:

That the publishers of the Legislative Digest are hereby directed to furnish daily a copy to each member and the clerks of the General Assembly, and to the heads of each State Department during the time of this session. That the publishers are allowed the sum of ten dollars for each subscription for the session and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for said amount when such service has been concluded.

Ordered that said Resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	Claude D. Minor
R. M. Amos	Oscar P. Harvey	R. C. Moore
B. C. Beckmann	H. C. Hawkins	S. H. Moore
W. M. Boling	Thos. O. Holder	B. A. Muster
J. F. Bosworth	David J. Howard	C. D. McCaw
Berl Boyd	Frank J. Humbert	W. T. McGuire
Bryce Cundiff	R. O. Huntsman	R. D. McMurtry
O. A. Denton	J. T. Jennings	Chas. A. Nelson
A. W. Dorsey	Lester Jeter	D. A. O'Donovan
W. D. Duncan	Ira Jones	James Park
George W. Ellis	Wright Kelly	Brodie Payne
Mrs. M. E. Flannery	S. B. Lane	H. Walter Pierce
Dr. H. M. Fultz	Oscar Leibson	R. I. Rice
Bryant Green	Martin Light	Arthur Saunders
Ed. A. Gullion	C. C. May	David I. Scott
J. Edgar Hadden	Harry J. Meyers	Lee L. Simons

George W. Smith	John M. Tinsley	W. T. Walker
Ira D. Smith	Garnett W. Tolin	W. S. Wallen
R. F. Stewart	N. I. Toombs	W. D. Watkins
Frank L. Strange	Chas. B. Truesdell	J. B. Wicker
H. Q. Thompson	Oscar Vest	T. C. Willis
D. D. Thornberry	Geo. C. Waggoner.	

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Those who voted in the negative were—

E. B. Cross Arch M. Quarles

—2

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said Resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 162. An Act to provide for the issuance of County School teacher's certificates, regulating same and providing for revocation thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1). County certificates shall be first and second class, and shall be valid for four years and two years respectively.

(2) No county certificate shall be valid in any county other than the county in which it is issued, except that in

cases of emergency a first class certificate issued in one county may be validated in another county by the county board of examiners for a period of one year.

(3) No certificate of the second class shall entitle the holder to teach in any school or district reporting seventy or more children of school age.

(4) A county certificate of the first class shall require an average grade of eighty-five per centum upon all subjects in the common school course and upon the sciences and arts of teaching and the lowest grade on any subject shall not be less than sixty-five per centum.

(5) A county certificate of the second class shall require an average grade of seventy-five per centum and the lowest grades on any subject shall be not less than sixty per centum.

(6) No person teaching under a certificate of the second class shall receive a minimum salary less than sixty-five dollars per month.

(7) No person teaching under a first class county certificate shall receive a minimum salary less than seventy-five dollars per month.

(8) The examinations for county certificates shall be held at the county seat at the same time the other examinations are held for elementary certificates and shall be held and graded by the same board at the county seat.

(9) Each applicant for county certificate shall pay a fee of one dollar which shall go to the examiners.

(10) At any time the holder of a county certificate shall be found incompetent, inefficient, immoral, or otherwise unworthy to be a teacher the County Superintendent shall revoke the certificate of such person; and no teacher whose certificate has been revoked shall be entitled to teach or to receive payment for services only up to the time of revocation.

(11) No person shall be entitled to receive a county certificate of either class who was not eighteen years of age prior to the date of examination.

(12) After July the 1, 1922, a county certificate of the second class shall not be issued twice to the same person.

(13) For county certificates the applicants shall be examined by the same set of questions as for elementary certificates but no high school test shall be required.

(14) Nothing in this act shall be so construed as to interfere with the examinations for State Diploma, State Certificate or Elementary Certificates.

(15) All acts or parts of acts in conflict herewith are hereby repealed.

Mr. Holder offered the following Amendment, viz:

Amend H. B. 162, by striking out lines 1, 2, 3 and 4 in Sec. 2 and inserting in lieu thereof the words, "all certificates shall be valid in every County in the State."

Said Amendment was disagreed to.

Mr. Huntsman offered the following Amendment, viz:

"Amend Sec. 2, line 4 by striking out word "one" and insert therefore the word "from."

Said Amendment was disagreed to.

Mr. Cross offered the following Amendment, viz:

"Amend H. B. 162 by striking out all of section 12."

Said Amendment was disagreed to.

Mr. Jones offered the following Amendment, viz:

Amend H. B. 162 by adding after the word, "centum" in line 4 of page 1, the words "a County certificate of the first

class shall entitle the holder thereof to teach for life provided he or she has previously had ten consecutive years of actual teaching experience, and shall also entitle the holder thereof to hold the office of County School Superintendent if he or she has had ten consecutive years of actual teaching experience."

Said Amendment was agreed to.

Mr. Holder offered the following Amendment, viz:

Amend H. B. 162 by striking out lines 1, 2, 3 and 4 of Sec. 8 and adding in lieu thereof the words "the examinations for certificates shall be held at the county seat, and shall be graded at Frankfort, Kentucky, by the State Board of Examiners."

Said Amendment was disagreed to.

Mr. Huntsman offered the following Amendment, viz:

Amend H. B. 162 by striking out in line 2 the words "except that in cases of emergency."

Said Amendment was disagreed to.

Mr. Truesdell offered the following Amendment, viz:

Amend H. B. 162 by striking out in line 2, page 2, the words "sixty five" and substitute in lieu thereof the words "seventy five."

Said Amendment was agreed to.

Mr. Waggoner offered the following Amendment, viz:

Amend Section 14 of the H. B. 162 by adding the following:

"Provided that the provisions of this bill shall apply only to teachers who have had five, or more years of experience and who, may have not had high school education."

Said Amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

B. C. Beckmann	J. T. Jennings	Arthur Saunders
C. W. Bennett	Ira Jones	David I. Scott
J. E. Bickett	S. B. Lane	Lee L. Simons
W. M. Boling	H. R. Lawrence	Reuben E. Skaggs
Thos. Bowman	Martin Light	Ira D. Smith
Sam A. Cary	C. C. May	H. V. Thompson
Lee Clark	Harry J. Meyers	H. Q. Thompson
Bryce Cundiff	R. C. Moore	D. D. Thornberry
O. A. Denton	S. H. Moore	John M. Tinsley
H. C. Duffy	W. T. McGuire	N. I. Toombs
W. D. Duncan	E. E. Nelson	Oscar Vest
George W. Ellis	Chas. A. Nelson	W. T. Walker
Mrs. M. E. Flannery	D. A. O'Donovan	W. S. Wallen
W. L. Gossett	C. C. Oney	W. D. Watkins
Arch L. Hamilton	Brodie Payne	W. G. Wheeler
H. C. Hawkins	H. Walter Pierce	J. B. Wicker
Thos. O. Holder	S. R. Powell	T. C. Willis
R. O. Huntsman		

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Those who voted in the negative were—

R. M. Amos	J. Edgar Hadden	R. D. McMurtry
J. F. Bosworth	Oscar P. Harvey	Geo. W. Newman
Berl Boyd	David J. Howard	James Park
John E. Brown	Lester Jeter	Chas. B. Truesdell
Chas. Chandler	Oscar Leibson	John L. Trumbo
A. W. Dorsey	Leon P. Lewis	Geo. C. Waggoner
Dr. H. M. Fultz	B. A. Muster	

—20

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Rules Committee, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 295. An Act providing for the Perryville Battlefield and providing for the appointment of five Commissioners by the Governor to look after and control the Perryville Battlefield Grounds, being the property of the State of Kentucky and making an annual appropriation therefor.

Together with an Amendment thereto by way of Substitute therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor of the Commonwealth of Kentucky shall have the power, and shall appoint five commissioners

who shall all be twenty-one years of age and citizens of the State of Kentucky, to be and be known as Commissioners of the Perryville Battle Field. Said appointment shall be made as soon as practical after the passage of this act and said commissioners shall hold office for a period of four years from and after the date of their appointment, and shall in no wise receive any compensation, but it shall be the duty of the said commissioners to look after and care for the State of Kentucky's rights in the ground owned and belonging to the State and known as the Perryville Battle Field, located and being near Perryville, in Boyle county, Kentucky. The Governor in making said appointments shall take into consideration the location and ability of such appointees to look after and care for said grounds.

§ 2. There is hereby appropriated the sum of one thousand ($1,000.00) dollars annually for a period of five years to the Board of Commissioners of the Perryville Battle Field for the purpose of improving and properly caring for said battle field, and which sum shall be paid out of the funds in the state treasury not otherwise appropriated upon the warrant of the Chairman and Secretary of the said Board of Commissioners of the Perryville Battle Field.

Said Substitute is as follows, viz:

An Act providing for the appointment of I. M. Gray, J. C. Alcock, Levi A. Harmon, S. M. Rupley and Geo. A. Hughes as five commissioners to look after and care for the Perryville Battle Field, and providing for the perpetuation of said commission and naming and defining the powers thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That I. M. Gray, Perryville, Ky., J. C. Alcock, Danville, Ky., Levi A. Harmon, Brunfield, Ky., S. M. Rupley, Perry-

ville, Ky., and Geo. A. Hughes, Perryville, Ky., be and they are hereby appointed and designated as Commissioners of the Perryville Battle Field, and as such shall have charge of the land there of belonging to the State, and it shall be the duties of said Commissioners to look after and care for said lands in such manner as they best can, without any cost to the State. Said Commissioners shall be empowered and are hereby authorized to hold title to said land in themselves as such Commissioners, and may if any additional lands thereto are acquired accept title to same in their name as such commissioners, said lands to be held by them and their successors in office, and said Board of Commissioners shall have the power and authority to fill any and all vacancies which may occur therein. Said Commissioners shall receive no compensation for their services.

Said Substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Berl Boyd	George W. Ellis
B. C. Beckmann	John E. Brown	Mrs. M. E. Flannery
C. W. Bennett	Sam A. Cary	Dr. H. M. Fultz
J. E. Bickett	Lee Clark	Bryant Green
W. M. Boling	O. A. Denton	Ed. A. Gullion
J. F. Bosworth	A. W. Dorsey	H. C. Hawkins
Thos. Bowman	W. D. Duncan	David J. Howard

R. O. Huntsman	W. T. McGuire	John M. Tinsley
Ira Jones	E. E. Nelson	N. I. Toombs
Wright Kelly	Chas. A. Nelson	Chas. B. Truesdell
S. B. Lane	Geo. W. Newman	Fred C. Vanhoose
H. R. Lawrence	C. C. Oney	Oscar Vest
Leon P. Lewis	H. Walter Pierce	Geo. C. Waggoner
Martin Light	Arthur Saunders	W. T. Walker
Harry J. Meyers	David I. Scott	W. S. Wallen
Harry B. Miller	Lee L. Simons	W. D. Watkins
Claude D. Minor	Ira D. Smith	W. G. Wheeler
S. H. Moore	R. F. Stewart	J. B. Wicker
Ed. P. Murrah	H. Q. Thompson	T. C. Willis
B. A. Muster	D. D. Thornberry	

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Those who voted in the negative were—

H. C. Duffy	Frank J. Humbert	John L. Trumbo

—3

Resolved that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 247. An Act to amend an Act entitled: "An Act to amend the school laws and to create Board of Education, and to define their duties in cities of the first class, approved March 4, 1910, being section 2978a of Carroll's Kentucky Statutes, 1915 Edition."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act entitled "An Act to amend the school laws and to create boards of education and to define their

duties in cities of the first class," approved March 4, 1910, being Section 2978a of Carroll's Kentucky Statutes, Edition 1915, be, and is hereby amended by repealing, and there is now hereby repealed Section 25 of said Act, the same being Sub-section 25 of said Section 2978a of said Kentucky Statutes, and inserting in lieu thereof the following:

Section 25. The Board of Education shall annually between the first day of July and the first Monday in December, make, or cause to be made a budget or approximate estimate showing in detail the amount of money required for the proper maintenance and operation of the public schools within its school district for the Board's current fiscal year, including the amounts required for repairs, improvements, equipment, teachers' salaries and other proper expenses, and showing further in detail the approximate amount of revenue which the Board expects to receive from the State of Kentucky, and from all other sources, and the net amount required to be raised by City taxes. This budget, so made, shall be officially approved by the Board, and a certified copy thereof, signed by the President and attested by the Secretary of the Board, shall be delivered to the Clerk of the Board of Aldermen, or Board of Councilmen of said City, not later than the first Monday in December of the year in which such estimate is made, and said Clerk to whom such estimate is delivered, shall duly report the same to the General Council of said City. It shall thereupon become the duty of said General Council, in fixing the tax rate for the ensuing year, to levy upon the property assessed for taxation for City purposes a tax sufficient to raise the amount shown by said budget to be required for the public schools: Provided that said tax so levied shall not be more than One Dollar ($1.00) on each One Hundred Dollars ($100.00) of property so assessed, as is now provided by law. The tax thus levied shall be collected by the City as and in the same manner that other City taxes are collected, and the amount so collected shall be placed to the credit of the school fund upon the books of the City, and

thereafter paid over monthly to the Board of Education by the City Treasurer, the collections of each calendar month to be paid on or before the fifth (5th) day of the succeeding month.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Frank J. Humbert	H. Walter Pierce
B. C. Beckmann	Ira Jones	S. R. Powell
C. W. Bennett	Harry J. Meyers	Arthur Saunders
J. E. Bickett	Harry B. Miller	Lee L. Simons
W. M. Boling	Claude D. Minor	Ira D. Smith
J. F. Bosworth	R. C. Moore	R. F. Stewart
Thos. Bowman	B. A. Muster	H. Q. Thompson
Chas. Chandler	W. T. McGuire	Garnett W. Tolin
A. W. Dorsey	E. E. Nelson	N. I. Toombs
George W. Ellis	Chas. A. Nelson	Chas. B. Truesdell
Mrs. M. E. Flannery	Geo. W. Newman	Fred C. Vanhoose
Dr. H. M. Fultz	D. A. O'Donovan	Oscar Vest
Ed. A. Gullion	C. C. Oney	W. T. Walker
H. C. Hawkins	James Park	W. D. Watkins
David J. Howard	Brodie Payne	J. B. Wicker

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Those who voted in the negative were—

Berl Boyd	Lee Clark	R. O. Huntsman
John E. Brown	F. B. Cross	Lester Jeter
Sam A. Cary	W. L. Gossett	Wright Kelly

Oscar Leibson	R. I. Rice	John M. Tinsley
Leon P. Lewis	Frank L. Strange	John L. Trumbo
Ed. P. Murrah	D. D. Thornberry	—17

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Rules Committee, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 276. An Act making the town of Burkesville a city of the fifth class.

Together with an Amendment thereto by way of a Substitute therefor.

Said bill is as follows, viz:

Whereas, the town of Burkesville, in Cumberland County, now has a population in excess of 1,000 and deserves a government commensurate with its size; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Burkesville, in Cumberland County, be classified as a city of the fifth class.

Said Substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapters 11 and 64 of the Acts of the General

Assembly of the Commonwealth of Kentucky, 1920, be amended by striking from the "Cities of the Fifth Class" the words "Beattyville, Lee County," "Sturgis, Union County," and "Williamsburg, Whitley County," and adding the same words to the list of "Cities of the Fourth Class." Also add the following words to the list of "Cities of the Fifth Class": "Burkesville, Cumberland County; Columbia, Adair County, and Grayson, Carter County," so that when amended and re-enacted the said chapters will read as follows:

CLASSIFICATION OF CITIES AND TOWNS.

First Class—Louisville, Jefferson County.

Second Class—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County.

Third Class—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County; Hopkinsville, Christian County; Ashland, Boyd County; Maysville, Mason County; Corbin, Whitley and Knox Counties.

Fourth Class—Shelbyville, Shelby County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenberg County; Franklin, Simpson County; Barbourville, Knox County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; Somer-

set, Pulaski County; Murray, Calloway County; Harlan, Harlan County; Jackson, Breathitt County; Hazard, Perry County; Highland Park, Jefferson County; Hickman, Fulton County; Scottsville, Allen County; Earlington, Hopkins County; Olive Hill, Carter County; Marion, Crittenden County; Clifton, Campbell County; Fort Thomas, Campbell County; Irvine, Estill County; Beattyville, Lee County; Sturgis, Union County; Williamsburg, Whitley County.

Fifth Class—Lancaster, Garrard County; Cadiz, Trigg County; Grand Rivers, Livingston County; Greenville, Muhlenberg County; Louisa, Lawrence County; Columbus, Hickman County; Glasgow, Barren County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Vanceburg, Lewis County; Elkton, Todd County; Falmouth, Pendleton County; Carlisle, Nicholas County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Sebree, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Mortons Gap, Hopkins County; Livermore; McLean County; Oakdale, Jefferson County; Owenton, Owen County; Burnside, Pulaski County; Prestonburg, Floyd County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; LaGrange, Oldham County; Guthrie, Todd County; Russell, Greenup County; Houstonville, Lincoln County; Drakesboro, Muhlenberg County; Tompkinsville, Monroe County; Helier, Pike County; Perryville, Boyle County; Wilmore, Jessamine County; Greenup, Geeenup County; Horse Cave, Hart County; Brooksville, Bracken County; Burkesville, Cumber-

land County; Columbia, Adair County; Grayson, Carter County; Elizabethtown, Hardin County.

Sixth Class—All other incorporated cities and towns not named in this Act shall belong to the Sixth Class.

Provided, that all officers now holding office in the cities changed from a class other than they were at the time such officers were elected will hold their offices until the term for which they were elected, has expired, and until their successors have been elected and qualified.

Whereas, it is necessary for the newly assigned cities mentioned herein to make their tax levy for this year under the charter of the class of city to which they are hereby assigned an emergency is hereby declared to exist and this Act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Mr. Nelson offered the following Amendments to the Committee Substitute, viz:

Amend substitute for H. B. 276 by striking out the figures "64" wherever they occur and inserting the figures "164."

Amend section 1 by adding after the word "the" in line 2 of Section 1 of the printed bill, the following:

"Cities of the third class, Maysville, Mason County, and placing same in the cities of the fourth class,"

In line 7 of the printed bill after the words "Adair County" add "Elizabethtown, Hardin County," and "Paintsville, Johnson County."

Amend Substitute by striking out line 17 of the printed bill and words "Maysville, Mason County."

In line 38 of the printed bill add "Maysville, Mason County."

By adding in line 63 of the printed bill after the words "Hardin County" the words "Paintsville, Johnson County."

Said Amendments were each and severally agreed to.

Mr. Chandler offered the following Amendment to said Substitute, viz:

Amend by adding the words "London, Laurel County" as a city of the fourth class.

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	E. B. Cross	H. C. Hawkins
R. M. Amos	A. W. Dorsey	Thos. O. Holder
J. E. Bickett	H. C. Duffy	David J. Howard
W. M. Boling	W. D. Duncan	Frank J. Humbert
J. F. Bosworth	George W. Ellis	R. O. Huntsman
Thos. Bowman	Mrs. M. E. Flannery	J. T. Jennings
Berl Boyd	Dr. H. M. Fultz	Ira Jones
Sam A. Cary	Bryant Green	Wright Kelly
Chas. Chandler	Ed. A. Gullion	S. B. Lane
Lee Clark	J. Edgar Hadden	H. R. Lawrence

Leon P. Lewis	D. A. O'Donovan	D. D. Thornberry
Martin Light	C. C. Oney	John M. Tinsley
Rufus Lisle	Brodie Payne	Garnett W. Tolin
Harry B. Miller	H. Walter Pierce	N. I. Toombs
Claude D. Minor	Arthur Saunders	Chas. B. Truesdell
R. C. Moore	David I. Scott	Oscar Vest
S. H. Moore	Lee L. Simons	Geo. C. Waggoner
Ed. P. Murrah	Reuben E. Skaggs	W. T. Walker
B. A. Muster	Ira D. Smith	W. D. Watkins
W. T. McGuire	R. F. Stewart	W. G. Wheeler
E. E. Nelson	H. Q. Thompson	J. B. Wicker
Chas. A. Nelson		

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There voted in the negative—

Fred C. Vanhoose

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By unanimous consent the following bills and resolution were introduced, viz:

By Mr. Minor.

H. B. 453. An Act relating to roads and bridges creating the Department of State Roads and Highways.

By same.

H. Res. 18. Resolution for the benefit of the stenographers to the Chief Clerks of the Senate and House of Representatives.

By Mr. Kelly.

H. B. 454. An Act to make it unlawful to have in possession, use or keep high power copper and metal jacket rifles.

By same.

H. B. 455. An Act to regulate and prevent immoral and obscene Picture Shows and prescribing punishment for the violation of this Act.

Said bills and resolution were ordered printed and referred to Committee on Rules.

The hour of four-thirty o'clock P. M. having arrived, Mr. Minor moved that the House do now recess until seven-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of seven-thirty having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled a bill entitled:

H. B. 51. An Act to amend sec. 244 of the Criminal Code of Practice edited by Hon. John D. Carroll, relating to separation of juries made up of both sexes on the trial of felonies and misdemeanors and providing for officers in charge to be of like sex.

Thereupon all other business was suspended, said bill was read at length and compared in open House and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk of this House deliver said enrolled bill to the Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 320. An Act to regulate the sale and distribution of agricultural seed, defining same and fixing penalties for violation thereof; providing and appropriating funds to carry out the provisions of the Act; and repealing Chapter 62, Acts of 1916, entitled: "An Act to regulate the sale of agricultural and other seeds."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term agricultural seed as used in this Act, shall be defined as the seeds of Canada bluegrass, Kentucky bluegrass, brome grass, fescues, millets, tall meadow oat grass, orchard grass, red top, Italian rye grass, perennial rye grass, Kafir corn, sorghum, broom corn, Sudan grass, timothy, alfalfa, alsike clover, crimson clover, red clover, white clover, sweet clover, Canada field peas, cowpeas, soybeans, vetches, and other grasses and forage plants, buckwheat, flax, rape, barley, field corn, oats, rye, wheat and other cereals, hemp and tobacco or any other agricultural seed which

is sold, offered or exposed for sale within this State for seeding purposes.

§ 2. Every lot of agricultural seeds, as defined in Section 1 of this Act, except as herein otherwise provided, when in bulk, packages or containers of five pounds or more, shall have affixed thereto, in a conspicuous place, on the outside of each container of such agricultural seed, a tag or label plainly written or printed in the English language and procured from the director of the Kentucky Agricultural Experiment Station as hereinafter provided, clearly and truly certifying:

(a) The commonly accepted name of such agricultural seed.

(b) The minimum percentage by weight of purity; meaning freedom of such agricultural seed from inert matter and from other seeds distinguishable by their appearance.

(c) The maximum percentage by weight of weed seeds; the term "weed seeds" as herein used being defined as the noxious weed seeds listed in Section 2, Sub-section (d) and all seeds not listed in Section 1 as agricultural seed.

(d) The name of each kind of the seeds or bulblets of the following named weeds which are present, singly or collectively, as follows: (1) in excess of one seed or bulblet in each five grams of timothy, red top, tall meadow oat grass, orchard grass, crested dogstail, Canada bluegrass, Kentucky bluegrass, fescues, brome grasses, perennial and Italian rye grasses, Western rye grass, crimson clover, red clover, white clover, alsike clover, sweet clover, alfalfa and all other grasses and clovers not otherwise classified; (2) one in twenty-five grams of millet, rape, flax and other seeds not specified in (1) or (3) of this subdivision; (3) one in one hundred grams of wheat, oats, rye, barley, buckwheat, vetches and other seeds as large or larger than wheat.

Quack grass (Agropyron repens), Canada thistle (Cnicus arvensis), all species of dodders (Cuscuta spp.) broom rape (Orobanche ramosa), corn cockle (Argostemma githago) and wild onion (Allium vineale), and such other weeds as the di-

rector of the Kentucky Experiment Station from time to time determines to be noxious and a menace to the best interest of the agriculture of Kentucky; provided, that due notice be given to the trade before such inclusion in the list of noxious weeds shall become effective.

(e) The minimum percentage of germination of such agricultural seed, together with the month and year said seed was tested.

(f) The full name and address of the vendor of such agricultural seed.

(g) If foreign grown seed, the name of country if known.

§ 3. Mixtures of two or more kinds of agricultural seeds which are grown together or which are grown seperate and mixed for seeding purposes, each present in excess of five per centum (5%) by weight of the total mixture, when sold, offered or exposed for sale in lots of five pounds or more, such mixtures shall have affixed thereto in a conspicuous place on the outside of each container of such mixture of agricultural seed, a tag or label plainly written or printed in the English language, clearly and truly certifying:

(a) That such seed is a mixture.

(b) The name and minimum percentage by weight of each kind of agricultural seed present in the mixture in excess of five (5) per cent.

(c) The maximum percentage by weight of weed seeds as defined in Section 2, Sub-section (c) of this Act.

(d) The name of each kind of seeds or bulblets of the noxious weeds listed in Section 2, Sub-section (d) of this Act which are present singly or collectively in excess of one seed or bulblet in each five (5) grams of such mixture.

(e The minimum percentage of germination of each kind of agricultural seed present in such mixture in excess of five (5) per cent by weight together with the month and year said seed was tested.

(f) The full name and address of the vendor of such mixture.

(g) If foreign grown seed, the name of the country if known.

§ 4. Upon application, when accompanied by proper fee, it shall be the duty of the director of the Experiment Station to furnish such applicant with blank tags or labels for the purpose of labeling seeds in accordance with the requirements of this Act. For the purpose of printing and distributing said tags or labels, a fee of one-half cent for each tag or label furnished by the director of the Experiment Station shall be paid in advance by each applicant and all moneys so received shall be turned over to the accountant of the University of Kentucky to be used in defraying the expenses in carrying out this Act. Such blank tags or labels shall be printed and furnished in such form as may be prescribed by the director of the Experiment Station.

§ 5. Agricultural seeds or mixtures of same shall be exempt from the provisions of this Act:

(a) When possessed, exposed for sale, or sold for food purposes only.

(b) When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes.

(c) When in store for the purpose of recleaning or not possessed, sold or offered for sale for seeding purposes.

(d) When grown, sold and delivered by the producer on his own land for seeding purposes to the purchaser himself, provided that said seeds are not advertised for sale through the public press circular or catalogue, or carried by a common carrier.

§ 6. The duty of administering this Act and carrying out its provisions and requirements shall be vested in the Agricultural Experiment Station of the University of Kentucky, and said station shall maintain a seed testing laboratory, with such officers, analysts and assistants as may be necessary for the proper administration of the provisions of

this Act, and the director of the station shall cause to be published in station circulars or bulletins the results of the examination, analysis and test of samples of agricultural seeds or mixtures of seeds made under this Act, together with any other information that may be deemed advisable.

§ 7. It shall be the duty of the director of the Experiment Station through his duly appointed officers, agents or assistants, to inspect, examine and make analysis of and test any agricultural seeds sold, offered or exposed for sale within this State for seeding purposes, at such times and places and to such an extent as may be deemed advisable. Said officers, agents or assistants shall have free access at all reasonable hours to any premises or structures, to make examination of any such agricultural seed, whether such seed is upon the premises of the owner or consignee of such seed or upon the premises or in the possession of any warehouse, elevator, railway or steamship company, and are hereby given authority to take for analysis a composite sample of such agricultural seed. Said sample shall be thoroughly mixed and two official samples be taken therefrom, each official sample to be securely sealed. One of these official samples shall be furnished to the owner or party in interest, if present, and if not present, shall be forwarded to the shipper or owner, and the other retained by the Experiment Station for analysis. In case a sample drawn as provided herein, upon test or analysis is found to fall below the statement on the tag or label attached to the lot from which said sample was obtained or to violate any of the provisions of this Act, the vendor or consignee of said lot of seed shall be notified and a copy of said notice mailed to the person, firm or corporation whose tag or label was found affixed thereto.

§ 8. It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale within this State any agricultural seed or mixture of agricultural seed as defined in this Act for seeding purposes within this State without complying with the requirements of this Act, or to falsely

mark or label any agricultural seeds or to alter the official tag or label or to use the name or title of the director of the Experiment Station, or a tag or label not furnished by the director of the Experiment Station, or to use the tag or label of the director the second time, or to interfere in any way with any duly authorized officer, inspector, agent or assistants in the discharge of the duties herein named.

§ 9. Every violation of the provisions of this Act shall be deemed a misdemeanor punishable by a fine of not less than ten dollars ($10.00) and not exceeding one hundred dollars ($100.00). It shall be the duty of every Commonwealth, county or city attorney, to whom the director of the Experiment Station or his duly authorized agents shall report any violations of this Act, to cause proceedings to be commenced against the person or persons, firm or corporations so violating the Act, and the same prosecuted in the manner required by law, or the director of the Experiment Station in his discretion may report any violation of this Act to the Attorney General of the State, together with the sworn statement of the analyst and such evidence of the violation as may be deemed necessary, and it shall be the duty of the Attorney General of the State, or in his discretion he may act through the Commonwealth, county or city attorney in whose district said violation has occurred, to institute proceedings at once against the person, or persons, firm or corporation charged with such violation.

§ 10. A certificate of analysis, accompanied by an affidavit of the analyst shall be competent evidence in any court in the State.

§ 11. Any citizen of the State who grows, sells or buys agricultural seed shall have the privilege of submitting to the Experiment Station samples of agricultural seeds for test and analysis, provided that the director of the Experiment Station fix the minimum number of samples that a firm, corporation or citizen may submit for analysis in any period of time.

§ 12. The director of the Experiment Station is hereby empowered to make and enforce such rules and regulations and to adopt such standards as he may deem necessary to carry into effect the true intent and meaning of this Act.

§ 13. There is hereby appropriated annually to the Kentucky Agricultural Experiment Station for the purpose of enforcing and carrying out the provisions of this Act, the sum of eight thousand dollars ($8,000.00) out of the funds of the State not otherwise appropriated. Such salaries and expenses as may be necessary for the proper enforcement of the provisions of this Act shall be paid from said sum herein appropriated by warrant upon the Auditor of Public Accounts drawn by the accountant of the University and countersigned by the director of the Experiment Station, and said accountant shall keep proper vouchers on file in this office for all expenditures.

§ 14. Chapter 62 of the Acts of the General Assembly of 1916, entitled, "An Act to Regulate the Sale of Agricultural and Other Seeds," being Section 1376b, Sub-sections 1 to 14, inclusive, of Carroll's Kentucky Statutes, 1918, is hereby repealed, and all other Acts or parts of Acts in conflict with this Act are also hereby repealed.

It is intended that this Act shall be valid to the fullest extent possible and that the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of the Act invalid or inoperative.

Mr. Boyd offered the following Amendment, viz:

Amend H. B. 320, Sec. 11, line 4, by striking out the word "minimum" and inserting in lieu thereof the word "maximum."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Frank J. Humbert	Arch M. Quarles
B. C. Beckmann	Lester Jeter	R. I. Rice
J. E. Bickett	S. B. Lane	Arthur Saunders
W. M. Boling	H. R. Lawrence	Lee L. Simons
J. F. Bosworth	Oscar Leibson	Ira D. Smith
Thos. Bowman	Leon P. Lewis	R. F. Stewart
Berl Boyd	Martin Light	Frank L. Strange
John E. Brown	C. C. May	H. V. Thompson
Lee Clark	Harry J. Meyers	D. D. Thornberry
E. B. Cross	Harry B. Miller	John M. Tinsley
Bryce Cundiff	Claude D. Minor	Garnett W. Tolin
O. A. Denton	R. C. Moore	N. I. Toombs
A. W. Dorsey	Ed. P. Murrah	Chas. B. Truesdell
W. D. Duncan	B. A. Muster	John L. Trumbo
George W. Ellis	C. D. McCaw	Fred C. Vanhoose
Dr. H. M. Fultz	W. T. McGuire	Oscar Vest
Bryant Green	Chas. A. Nelson	W. T. Walker
Ed. A. Gullion	D. A. O'Donovan	W. D. Watkins
J. Edgar Hadden	James Park	W. G. Wheeler
Arch L. Hamilton	Brodie Payne	J. B. Wicker
Oscar P. Harvey	H. Walter Pierce	T. C. Willis
Thos. O. Holder	S. R. Powell	

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Resolved that the title thereof be as aforesaid.

Mr. Boyd moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 287. An Act to permit any co-operative marketing associations organized in any State other than Kentucky under substantially the same restrictions and limitations established by the Bingham Co-operative Marketing Act, to use the word "Co-operative" as part of its corporate or other name or title for producers' co-operative marketing activities and declaring said organization not to be conspiracy nor an illegal monopoly.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any Co-operative Marketing Association organized in any State other than Kentucky having substantially the same purposes, restrictions and limitations as provided by the Bingham Co-operative Marketing Act may use the word "co-operative" as part of its corporate or other business name or title for producers' co-operative marketing activities; and any such organization shall be deemed not to be a conspiracy, nor a combination in restraint of trade nor an illegal monopoly; nor an attempt to lessen competition or to fix prices arbitrarily or to create a combination or pool in violation of any law of this State; and its marketing contracts and agreements shall be considered not to be illegal nor in restraint of trade nor contrary to the provisions of any Statute enacted against pooling or combinations.

§ 2. This Act shall take effect and be in full force and effect from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	S. B. Lane	R. I. Rice
B. C. Beckmann	H. R. Lawrence	Arthur Saunders
J. E. Bickett	Leon P. Lewis	Lee L. Simons
W. M. Boling	Martin Light	Ira D. Smith
J. F. Bosworth	Rufus Lisle	R. F. Stewart
Thos. Bowman	C. C. May	Frank L. Strange
Berl Boyd	Harry J. Meyers	H. V. Thompson
John E. Brown	Claude D. Minor	D. D. Thornberry
Lee Clark	R. C. Moore	John M. Tinsley
E. B. Cross	Ed. P. Murrah	Garnett W. Tolin
Bryce Cundiff	B. A. Muster	N. I. Toombs
O. A. Denton	C. D. McCaw	Chas. B. Truesdell
A. W. Dorsey	W. T. McGuire	John L. Trumbo
W. D. Duncan	Chas. A. Nelson	Fred C. Vanhoose
George W. Ellis	D. A. O'Donovan	Oscar Vest
Dr. H. M. Fultz	James Park	W. T. Walker
Ed. A. Gullion	Brodie Payne	W. D. Watkins
J. Edgar Hadden	H. Walter Pierce	W. G. Wheeler
Oscar P. Harvey	S. R. Powell	J. B. Wicker
Lester Jeter	Arch M. Quarles	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Adams moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House

took up for consideration from the Orders of the Day a bill entitled:

H. B. An Act to license and regulate the business of making loans in sums of Three Hundred Dollars ($300.00) or less, to individuals pressed by lack of funds to meet immediate necessities, at a greater rate of interest than six per cent per annum; and prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries earned or to be earned, when given as security for any such loan; and repealing Sec. 4758a, Carroll's Kentucky Statute (1915), and repealing so much of Sec. 4224, Carroll's Kentucky Statute (1915), as is inconsistent with this Act and repealing all Acts and parts of Acts inconsistent with the provisions of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person, co-partnership, or corporation shall engage in the business of making loans of money, credit, goods or things in action in the amount, or to the value of three hundred dollars ($300) or less, and charge, contract for, or receive a greater rate of interest than six per centum per annum therefor, except as authorized by this Act, and without first obtaining a license from the Commissioner of Banking of the Commonwealth of Kentucky, hereinafter called the licensing official.

§ 2. Application for such license shall be in writing and shall contain the full name and address, both of the residence and place of business, of the applicant, and if the applicant is a co-partnership, of every member thereof, or if a corporation of each officer thereof; also the county and the municipality, with street and number, if any, where the business is

to be conducted. Every such applicant at the time of making such application, shall pay to the licensing official the sum of one hundred dollars ($100) as an annual license fee, which shall be in lieu of all other occupational license fees and taxes imposed by State or local laws upon the business regulated by this Act, and which shall be in full payment of all expenses of examinations under, and administration of this Act, except as hereinafter provided for; provided, that if a license is issued for a period of less than twelve (12) months the license fee shall be prorated according to the number of months that said license shall run.

§ 3. The applicant shall also, at the same time, file with the licensing official a bond in which the applicant shall be obliger, in the sum of one thousand dollars ($1,000), with one or more sureties, whose liability as such sureties, in the aggregate, shall not exceed one thousand dollars ($1,000), to be approved by the licensing official, which bond shall run to the Commonwealth of Kentucky for the use of said Commonwealth and of any person or persons who may have a cause of action against the obliger of said bond under the provisions of this Act. Such bond shall be conditioned that said obliger will conform to and abide by each and every provision of this Act and will pay to the State and to any such person or persons, any and all moneys that may become due or owing to the State and to such person or persons, from said obliger, under and by virtue of the provisions of this Act.

§ 4. Upon the filing of such application and the approval of said bond, and the payment of said fee, the licensing official shall issue a license to the applicant to make loans in accordance with the provisions of this Act for a period which shall expire the first day of January next following the date of its issuance. Such license shall not be assignable.

§ 5. If in the opinion of the licensing official the bond shall at any time appear to be insecure, or exhausted, or otherwise doubtful, an additional bond in the sum of not more than one thousand dollars ($1,000), satisfactory to the licensing

official, shall be filed within ten (10) days after notice to the licensee, and upon failure of the obligor to file such additional bond, the license shall be revoked by the licensing official.

§ 6. The licensing official may, upon reasonable notice, to the licensee and reasonable opportunity to be heard, revoke such license if the licensee has violated any provision of this Act; and in case the licensee shall be convicted by a court and second time of a violation of Section thirteen (13) of this Act, the licensing official shall revoke the license; provided that the second offense shall have occurred after a prior conviction, in which case another license shall not be issued to such licensee, nor to the husband or wife of the licensee, nor to any co-partnership or corporation of which he is a member or officer.

§ 7. The license shall be kept conspicuously posted in the place of business of the licensee.

§ 8. No person, co-partnership, or corporation so licensed shall make any loan provided for py this Act, under any other name, or at any other place of business, than that named in the license. Not more than one place of business shall be maintained under the same license, but the licensing official shall issue more than one license to the same licensee upon the payment of an additional license fee and the filing of an additional bond for each license.

§ 9. Whenever the licensee shall change his place of business he shall at once give a written notice thereof to the licensing official who shall attach to the license his approval in writing of the change.

§ 10. The licensing official for the purpose of discovering violations of this Act, may either personally, or by any person designated by him, at any time, and as often as he may desire, investigate the loans and business of every licensee and of every person, co-partnership and corporation by whom, or which any such loan shall be made, whether such person, co-partnership or corporation shall act, or claim to act as principal, agent, or broker, or under, or without the authority

of this Act; and for that purpose he shall have free access to the office or place of business, books, papers, records, safes and vaults of all such persons, co-partnerships and corporations. He shall also have authority to examine, under oath, all persons whomsoever, whose testimony he may require, relative to such loans or business.

§ 11. The licensee shall keep such books and records in his place of business as in the opinion of the licensing official will enable the licensing official to determine whether the provisions of this Act are being observed. Every such licensee shall preserve the records of final entry used in such business, including cards used in the card system, if any, for a period of at least two (2) years after the making of any loan recorded therein.

§ 12. No licensee, or other person, co-partnership, or corporation shall print, publish, or distribute, or cause to be printed, published, or distributed in any manner whatsoever, any written, or printed statement with regard to the rates, terms, or conditions for the lending of money, credit, goods, or things in action, in amounts of three hundred dollars ($300) or less, which is false, or calculated to deceive.

§ 13. Every person, co-partnership and corporation licensed hereunder may loan any sum of money not exceeding in amount the sum of three hundred dollars ($300), to individuals pressed by lack of funds to meet immediate necessities, and may charge, contract for and receive thereon interest at a rate not to exceed three and one-half (3½) per centum per month. Interest shall not be payable in advance, or compounded, and shall be computed on unpaid balances. In addition to the interest herein provided for, no further or other charge, or amount whatsoever, for any examination, service, brokerage, commission, or other thing, or otherwise, shall be directly, or indirectly charged, contracted for, or received, except the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer, for filing or recording or releasing in any public office any instrument securing the

loan, which fees may be collected when the loan is made, or at any time thereafter. If interest, or charges in excess of those permitted by this Act shall be charged, contracted for, or received, the contract of loan shall be void and the licensee shall have no right to collect, or receive any principal, interest, or charges whatsoever. No person shall owe any licensee, as such, at any time more than three hundred dollars ($300) for principal.

§ 14. Every licensee shall deliver to the borrower at the time a loan is made, a statement in the English language showing in clear and distinct terms the amount and date of the loan and of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee and the rate of interest charged. Upon such statement there shall be printed in English a copy of Section Thirteen (13) of this Act;

Give to the borrower a plain and complete receipt for all payments made on account of any such loan at the time such payments are made;

Upon repayment of the loan in full, mark indelibly every paper signed by the borrower with the word "Paid" or "Cancelled," and release any mortgage, restore any pledge, cancel and return any note or any assignment given by the borrower as security; provided, however, that this clause shall not apply to any such papers as have been filed as exhibits in any court in a suit brought to enforce payment of the loan.

§ 15. No licensee shall take any confession of judgment, or any power of attorney, nor shall he take any note, promise to pay, or security that does not state the actual amount of the loan, the time for which it is made and the rate of interest charged, nor any instrument in which blanks are left to be filled after execution.

§ 16. No assignment of or order for the payment of any salary, wages, commissions or other compensation for services, earned or to be earned, given to secure any such loan shall be valid unless such loan shall be valid unless such loan

is contracted simultaneously with its execution; nor shall any such assignment, or order, or any chattel mortgage or other lien, on household furniture then in the possession and use of the borrower, be valid, unless in writing signed in person by the borrower; nor, if the borrower is married, unless signed in person by both husband and wife; provided, that written assent of a spouse shall not be required when husband and wife have been living separate and apart for a period of at least five months prior to such assignment, order, mortgage, or lien.

Under any such assignment, or order for the payment of future salary, wages, commissions or other compensation for services, given as security for a loan made under this Act, a sum equal to ten (10) per centum of the borrower's salary, wages, commissions or other compensation for services, shall be collectible therefrom by the licensee at the time of each payment of salary, wages, commissions or other compensation for services, from the time that a copy of such assignment, verified by the oath of the licensee, or his agent, together with a certified statement of the amount unpaid upon such loan, is served upon the employer.

§ 17. No person, co-partnership or corporation, except as authorized by this Act, shall directly, or indirectly, charge, contract for, or receive any interest, or consideration greater than six (6) per centum per annum upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit, of the amount, or vlaue of three hundred dollars ($300) or less.

The foregoing prohibition shall apply to any person who, as security for any such loan, use or forbearance of money, goods or things in action, or for any such loan, use or sale of credit, makes a pretended purchase of property from any person and permits the owner or pledgor to retain the possession thereof, or who, by any device or pretense of charging for his services, or otherwise, seeks to obtain a greater compensation than is authorized by this Act.

No loan for which a greater rate of interest or charge than is allowed by this Act has been contracted for or received, wherever made, shall be enforced in this State, and any person in anywise participating therein in this State shall be subject to the provisions of this Act.

§ 18. Any person, co-partnership, or corporation, and the several officers and employees thereof, who shall wilfully or knowingly violate any of the provisions of Sections One (1), Eight (8), Twelve (12), Thirteen (13), or Seventeen (17) of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500), or by imprisonment of not more than six (6) months, or both such fine and imprisonment, in the discretion of the court.

§ 19. The expenses incurred in making, not to exceed two (2) examinations in each calendar year of each licensee, shall be paid by the licensee examined. Said expenses shall not exceed ten dollars ($10) per day for each day the examination is conducted, together with the reasonable traveling and living expenses actually paid by the examiner making such examination which shall not exceed the regular fare over the most direct route, and meals and lodging actually paid for by the examiner, not exceeding five dollars ($5) per day. Such expenses shall be payable by the licensee to the licensing official upon receipt of a statement of account thereof verified by the licensing official, or in his behalf. If any licensee shall fail to pay the expenses of examination for a period of thirty (30) days following receipt of such verified account the licensing official may proceed to enforce payment of same upon the bond filed by the licensee hereunder.

§ 20. The licensing official may and is hereby authorized to employ sufficient clerical force in addition to that now provided by law to put this Act into effect, and may also employ some other person or persons in addition to those now provided by law in his department to make the examinations provided for herein.

Provided, however, that the total expense incurred by the licensing official on account of such additional clerical force and on account of such additional persons to make the examinations herein provided, shall not exceed the total fees received by him hereunder.

All moneys collected by the licensing official hereunder shall be paid as collected into the State Treasury.

§ 21. This Act shall not apply to any person, co-partnership, or corporation doing business under any law of this State, or of the United States, relating to banks, trust companies, building and loan associations, or licensed pawnbrokers.

§ 22. So much of Section 4224, Carroll's Kentucky Statutes (1915), as applies to loan companies is hereby repealed. Section 4758a, Carroll's Kentucky Statutes (1915), is hereby repealed and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Mr. O'Donovan offered the following Amendment by way of Substitute therefor, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No person, co-partnership, or corporation shall engage in the business of making loans of money, credit, goods, or things in action in the aount, or to the value of three hundred dollars ($300.00), or less, and charge, contract for, or receive a greater rate of interest than six per centum per annum therefor, except as authorized by this act, and without first obtaining a license from the Commissioner of Banking of the Commonwealth of Kentucky, hereinafter called the licensing official.

(2) Application for such license shall be in writing and shall contain the full name and address, both of the residence and place of business, of the applicant, and if the applicant

is a co-partnership, of every member thereof, or if a corporation of each officer thereof; also the county and the municipality, with street and number, if any, where the business is to be conducted. Every such applicant at the time of making such application, shall pay to the licensing official the sum of one hundred dollars ($100.00), as an annual license fee, which shall be in lieu of all other occupational license fees and taxes imposed by State and local laws upon the business regulated by this act, and which shall be in full payment of all expenses of examinations under, and administration of this act, except as hereinafter provided for; provided that if a license is issued for a period of less than twelve (12) months the license fee shall be pro rated according to the number of months that said license shall run.

(3) The applicant shall also, at the same time, file with the licensing official a bond in which the applicant shall be obligor, in the sum of one thousand dollars ($1,000.00), with one or more sureties, whose liability as such sureties, in the aggregate, shall not exceed one thousand dollars ($1,000.00), to be approved by the licensing official, which bond shall run to the Comonwealth of Kentucky for the use of said Commonwealth and of any person or persons who may have a cause of action against the obligor of said bond under the provisions of this act. Such bond shall be conditioned that said obligor will conform to and abide by each and every provision of this act and will pay to the State and to any such person or persons, any and all moneys that may become due or owing to the State and to such person or persons, from said obligor, under and by virtue of the provisions of this act.

(4) Upon the filing of such application and the approval of said bond, and the payment of said fee, the licensing official shall issue a license to the applicant to make loans in accordance with the provisions of this act for a period which shall expire the first day of January next following the date of its issuance. Such license shall not be assignable.

(5) If in the opinion of the licensing official the bond

shall at any time appear to be insecure, or exhausted, or otherwise doubtful, an additional bond in the sum of not more than one thousand dollars ($1,000.00), satisfactory to the licensing official, shall be filed within ten (10) days after notice to the licensee, and upon failure of the obligor to file such additional bond, the license shall be revoked by the licensing official.

(6) The licensing official may, upon reasonable notice to the licensee and reasonable opportunity to be herd, revoke such license if the licensee has violated any provisions of this act; and in case the licensee shall be convicted by a court a second time of a violation of section thirteen (13) of this act, the licensing official shall revoke the license; provided that the second offense shall have occurred after a prior conviction, in which case another license shall not be issued to such licensee, nor to the husband or wife of the licensee, nor to any co-partnership or corporation of which he is a member or officer.

(7) The license shall be kept conspicuously posted in the place of business of the licensee.

(8) No person, co-partnership, or corporation so licensed shall make any loan provided for by this act, under any other name, or at any other place of business, than that named in the license. Not more than one place of business shall be maintained under the same license, but the licensing official shall issue more than one license to the same licensee upon the payment of an additional license fee and the filing of an additional bond for each license.

(9) Whenever the licensee shall change his place of business he shall at once give a written notice thereof to the licensing official who shall attach to the license his approval in writing of the change.

(10) The licensing official for the purpose of discovering violations of this act, may either personally, or by any person designated by him, at any time and as often as he may desire,

investigate the loans and business of every license and of every person, co-partnership and corporation by whom, or which any such loan shall be made, whether such person, co-partnership or corporation shall act, or claim to act as principal, agent or broker, or under, or without the authority of this act; and for that purpose he shall have free access to the office or place of business, books, papers, records, safes and vaults of all such persons, co-partnerships and corporations. He shall also have authority to examine, under oath, all persons whomsoever, whose testimony he may require, relative to such loans or business.

(11) The licensee shall keep such books and records in his place of business as in the opinion of the licensing official will enable the licensing official to determine whether the provisions of this act are being observed. Every such licensee shall preserve the records of final entry used in such business, including cards used in the card system, if any, for a period of at least two (2) years after the making of any loan recorded therein.

(12) No licensee, or other person, co-partnership, or corporation shall print, publish, or distribute, or cause to be printed, published or distributed, in any manner whatsoever, any written or printed statement with regard to the rates, terms or conditions for the lending of money, credit, goods or things in action, in amounts of three hundred dollars ($300.00), or less, which is false or calculated to deceive.

(13) Every person, co-partnership and corporation licensed hereunder may loan any sum of money not exceeding in amount the sum of three hundred dollars ($300.00) to individuals pressed by lack of funds to meet immediate necessities, and may charge, contract for and receive thereon, interest at a rate not to exceed one (1) per centum per month. Interest shall not be payable in advance, or compounded, and shall be computed on unpaid balances. In addition to the interest herein provided for, no further or other charge, or amount whatsoever, for any examination, service, brokerage,

commission, or other thing, or otherwise, shall be directly, or indirectly charged, contracted for, or received, except the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer, for filing, or recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter. If interest, or charges in excess of those permitted by this act shall be charged, contracted for, or received, the contract of loan shall be void and the licensee shall have no right to collect, or receive any principal, interest or charges whatsoever. No person shall owe any licensee, as such, at any time more than three hundred dollars ($300.00) for principal.

(14) Every licensee shall: Deliver to the borrower at the time a loan is made, a statement in the English language showing in clear and distinct terms the amount and date of the loan and of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee and the rate of interest charged. Upon such statement there shall be printed in English a copy of section thirteen (13) of this act.

Give to the borrower a plain and complete receipt for all payments made on account of any such loan at the time such payments are made.

Upon repayment of the loan in full, mark indelibly every paper signed by the borrower with the word "Paid" or "Cancelled," and release any mortgage, restore any pledge, cancel and return any note or any assignment given by the borrowers as security; provided, however, that this clause shall not apply to any such papers as have been filed as exhibits in any court in a suit brought to enforce payment of the loan.

(15) No licensee shall take any confession of judgment, or any power of attorney, nor shall he take any note, promise to pay, or security that does not state the actual amount of the loan, the time for which it is made and the rate of interest

charged, nor any instrument in which blanks are left to be filled after execution.

(16) No assignment of or order for the payment of any salary, wages, commissions or other compensation for services, earned or to be earned, given to secure any such loan shall be valid unless such loan is contracted simultaneously with its execution; nor shall any such assignment, or order, or any chattel mortgage or other lien on household furniture then in the possession and use of the borrower, be valid, unless in writing signed in person by the borrower; nor, if the borrower is married, unless signed in person by both husband and wife; provided, that written assent of a spouse shall not be required when husband and wife have been living separate and apart for a period of at least five months prior to such assignment, order, mortgage, or lien.

Under any such assignment, or order for the payment of future salary, wages, commissions, or other compensation for services, given as security for a loan made under this act, a sum equal to ten (10) per centum of the borrower's salary, wages, commissions or other compensation for services, shall be collectible therefrom by the licensee at the time of each payment of salary, wages, commissions or other compensation for services, from the time that a copy of such assignment, verified by the oath of the licensee, or his agent, together with a verified statement of the amount unpaid upon such loan, is served upon the employer.

(17) No person, co-partnership or corporation, except as authorized by this Act, shall directly, or indirectly, charge, contract for, or receive any interest, or consideration greater than six (6) per centum per annum upon the loan, the use or forbearance of oney, goods, or things in action, or upon the loan, use or sale of credit, of the amount, or value of three hundred dollars ($300.00) or less.

The foregoing prohibition shall apply to any person who, as security for any such loan, use or forbearance of money,

goods or things in action, or for any such loan, use or sale of credit, makes a pretended purchase of property from any person and permits the owner or pledgor to retain the possession thereof, or who, by any device or pretense of charging for his services, or otherwise, seeks to obtain a greater compensation than is authorized by this Act.

No loan for which a greater rate of interest or charge than is allowed by this Act has been contracted for or received, wherever made, shall be enforced in this State, and any person in anywise participating therein in this State shall be subject to the provisions of this Act.

§ 18. Any person, co-partnership, or corporation, and the several officers and employes thereof, who shall wilfully or knowingly violate any of the provisions of Sections one (1), eight (8), twelve (12), thirteen (13), or seventeen (17), of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

(19) The expense incurred in making, not to exceed two (2) examinations in each calendar year, of each licensee, shall be paid by the licensee examined. Said expenses shall not exceed ten dollars ($10.00) per day for each day the examination is conducted, together with the reasonable traveling and living expenses actually paid by the examiner making such examination which shall not exceed the regular fare over the most direct route, and meals and lodging actually paid for by the examiner, not exceeding five dollars ($5.00) per day. Such expenses shall be payable by the licensee to the licensing official upon receipt of a statement of account thereof, verified by the licensing official, or in his behalf. If any licensee shall fail to pay the expenses of examination for a period of thirty (30) days following receipt of such verified account, the licensing official may proceed to enforce payment of same upon the bond filed by the licensee hereunder.

(20) The licensing official may and is hereby authorized to employ sufficient clerical force in addition to that now provided by law to put this Act into effect, and may also employ some other person or persons in addition to those now provided by law in his department to make the examinations provided for herein.

Provided, however, that the total expense incurred by the licensing official on account of such additional clerical force and on account of such additional persons to make the examinations herein provided, shall not exceed the total fees received by him hereunder.

All moneys collected by the licensing official hereunder shall be paid as collected into the State Treasury.

(21) This Act shall not apply to any person, co-partnership, or corporation doing business under any law of this State, or of the United States, relating to banks, trust companies, building and loan associations, or licensed pawnbrokers.

(22) So much of Section 4224, Carroll's Kentucky Statutes (1915) as applies to loan companies is hereby repealed. Section 4758a, Carroll's Kentucky Statutes (1915) is hereby repealed and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Said Substitute was disagreed to.

The yeas and nays being required thereon by Messrs. O'Donovan and Meyers were as follows, viz:

Those who voted in the affirmative were—

Berl Boyd	Lester Jeter	H. V. Thompson
Lee Clark	R. C. Moore	H. Q. Thompson
W. D. Duncan	Arch M. Quarles	Fred C. Vanhoose
George W. Ellis	R. I. Rice	Oscar Vest
R. O. Huntsman		—13

Those who voted in the negative were—

Samuel W. Adams	Oscar Leibson	Lee L. Simons
R. M. Amos	Leon P. Lewis	Ira D. Smith
B. C. Beckmann	Martin Light	R. F. Stewart
J. E. Bickett	Rufus Lisle	Frank L. Strange
J. F. Bosworth	Harry J. Meyers	S. G. Thornberry
Thos. Bowman	Harry B. Miller	John M. Tinsley
John E. Brown	Claude D. Minor	Garnett W. Tolin
A. W. Dorsey	B. A. Muster	N. I. Toombs
Bryant Green	C. D. McCaw	Chas. B. Truesdell
Ed. A. Gullion	D. A. O'Donovan	John L. Trumbo
Arch L. Hamilton	James Park	W. T. Walker
Oscar P. Harvey	Brodie Payne	W. D. Watkins
Thos. O. Holder	H. Walter Pierce	J. B. Wicker
Frank J. Humbert		—40

Mr. Strange offered the following Amendment, viz:

Be it enacted by the General Assembly of Kentucky that H. B. 288, being an Act to license and regulate loans in the sums of $300.00 or less, to persons pressed for lack of funds to meet immediate necessities, etc., be amended by adding to Sec. 21, the following words, "or Finance Corporations organized or doing business under the laws of the State of Kentucky."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. F. Bosworth	John E. Brown
B. C. Beckmann	Thos. Bowman	Bryce Cundiff
J. E. Bickett	Berl Boyd	A. W. Dorsey

Bryant Green	C. C. May	Ira D. Smith
Ed. A. Gullion	Harry J. Meyers	R. F. Stewart
J. Edgar Hadden	Harry B. Miller	Frank L. Strange
Arch L. Hamilton	Claude D. Minor	D. D. Thornberry
Oscar P. Harvey	B. A. Muster	John M. Tinsley
Thos. O. Holder	C. D. McCaw	Garnett W. Tolin
Frank J. Humbert	James Park	N. I. Toombs
S. B. Lane	Brodie Payne	Chas. B. Truesdell
Oscar Leibson	H. Walter Pierce	John L. Trumbo
Leon P. Lewis	S. R. Powell	W. T. Walker
Martin Light	R. I. Rice	W. D. Watkins
Rufus Lisle	Lee L. Simons	—44

Those who voted in the negative were—

R. M. Amos	Dr. H. M. Fultz	Arch M. Quarles
W. M. Boling	Lester Jeter	Arthur Saunders
Lee Clark	Ira Jones	Reuben E. Skaggs
W. D. Duncan	R. C. Moore	H. V. Thompson
George W. Ellis	D. A. O'Donovan	Fred C. Vanhoose
		—15

Resolved that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Minor moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 1, 1922.

The House was opened with prayer by the Rev. Roger T. Nooe, Pastor of the First Christian Church of Frankfort.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams	David J. Howard	H. Walter Pierce
R. M. Amos	Frank J. Humbert	S. R. Powell
B. C. Beckmann	R. O. Huntsman	Arch M. Quarles
C. W. Bennett	J. T. Jennings	R. I. Rice
J. E. Bickett	Lester Jeter	Arthur Saunders
W. M. Boling	Ira Jones	David I. Scott
J. F. Bosworth	Wright Kelly	Lee L. Simons
Thos. Bowman	S. B. Lane	Reuben E. Skaggs
Berl Boyd	H. R. Lawrence	George W. Smith
John E. Brown	Oscar Leibson	Ira D. Smith
Sam A. Cary	Oscar Leibson	R. F. Stewart
Chas. Chandler	Leon P. Lewis	Frank L. Strange
Lee Clark	Martin Light	H. V. Thompson
E. B. Cross	Rufus Lisle	Geo. F. Thompson
Bryce Cundiff	C. C. May	H. Q. Thompson
A. W. Dorsey	Harry J. Meyers	D. D. Thornberry
H. C. Duffy	Harry B. Miller	John M. Tinsley
W. D. Duncan	Claude D. Minor	Garnett W. Tolin
George W. Ellis	S. H. Moore	N. I. Toombs
Mrs. M. E. Flannery	Ed. P. Murrah	Chas. B. Truesdell
Emery L. Frazier	B. A. Muster	Fred C. Vanhoose
Dr. H. M. Fultz	C. D. McCaw	Oscar Vest
W. L. Gossett	W. T. McGuire	Geo. C. Waggoner
Bryant Green	E. E. Nelson	W. T. Walker
Ed. A. Gullion	Chas. A. Nelson	W. S. Wallen
J. Edgar Hadden	Geo. W. Newman	W. D. Watkins
Arch L. Hamilton	D. A. O'Donovan	W. G. Wheeler
Oscar P. Harvey	C. C. Oney	J. B. Wicker
H. C. Hawkins	James Park	T. C. Willis
Thos. O. Holder	Brodie Payne	

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Waggoner offered the following Resolution, viz:

Whereas there are a large number of bills in the Orders of the Day, and

Whereas the Rules Committee has the right to call any bill, out of the orders of the day and put same upon its passage, and

Whereas it is humanly impossible for each or any member to read all bills in the orders of the day, and,

Whereas under the present practice the Rules Committee posts a large number of bills upon the board the morning of the day they are to be acted on and all of those bills cannot be read before they come up for passage by the members, and

Whereas the Rules, see 59, provide that the Rules Committee shall in its discretion cause to be posted one day prior thereto a list of bills which are to be called out for the purpose of giving the members an opportunity to study such bills and prepare amendments if they so desire.

Be it resolved that a list of the bills and resolutions to be taken up on any certain day be posted on the board by 6 P. M. the preceding day.

This resolution is not intended to be a criticism of the Rules Committee but is to allow all members an opportunity to study bills before their passage.

Said Resolution was read and referred to the Committee on Rules.

Mr. Bowman offered the following Resolution, viz:

Whereas, it is with regret that I announce to this Honorable Body the death of the Honorable W. A. Smith, of Endee, Kentucky, a former member of Clay, Jackson and Owsley Counties, who was a useful and upright citizen, one who won

distinction as a Lieutenant in the Civil War, later was elected to this Honorable body, serving his people with honor and distinction,

Therefore be is resolved by the General Assembly of the Commonwealth of Kentucky:

That in the death of the Honorable W. A. Smith, the state lost a useful citizen, the county and community a friend and neighbor, which they were delighted to honor.

Therefore, be it further resolved that when this House adjourns it be in memory and honor of said W. A. Smith.

Said Resolution was agreed to.

Mr. O'Donovan moved that the Rules be suspended and that a bill entitled:

H. B. 80. An Act to require Railroads to erect Sheds at Railroad Terminals.

Be taken from the Orders of the Day and made a Special Order for tomorrow at eleven o'clock A. M.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. O'Donovan and Powell were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	R. C. Moore	Reuben E. Skaggs
Thos. Bowman	Geo. W. Newman	Geo. F. Thompson
H. C. Duffy	D. A. O'Donovan	H. Q. Thompson
W. D. Duncan	C. C. Oney	John M. Tinsley
W. L. Gossett	S. R. Powell	Chas. B. Truesdell
Oscar P. Harvey	J. L. Richardson	Fred C. Vanhoose
S. B. Lane	David I. Scott	—20

Those who voted in the negative were—

B. C. Beckmann	Ira Jones	Brodie Payne
C. W. Bennett	Wright Kelly	R. I. Rice
J. E. Bickett	H. R. Lawrence	Arthur Saunders
J. F. Bosworth	Oscar Leibson	George W. Smith
John E. Brown	Leon P. Lewis	Ira D. Smith
Lee Clark	Rufus Lisle	R. F. Stewart
O. A. Denton	C. C. May	H. V. Thompson
A. W. Dorsey	Harry J. Meyers	N. I. Toombs
Mrs. M. E. Flannery	Harry B. Miller	Oscar Vest
Emery L. Frazier	Claude D. Minor	Geo. C. Waggoner
Ed. A. Gullion	S. H. Moore	W. T. Walker
Arch L. Hamilton	B. A. Muster	W. D. Watkins
H. C. Hawkins	Chas. A. Nelson	W. G. Wheeler
Thos. O. Holder	James Park	J. B. Wicker

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Mr. Meyers moved that the vote by which said motion was disagreed to be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Lawrence of the Committee on Rules, reported the following bills with the expression of opinion that they ought to pass.

H. B. 392. An Act to fix and regulate the time of holding term of Circuit Courts in the Twentieth Judicial District.

H. B. 446. An Act relating to revenue and taxation in cities of the first class.

H. B. 393. An Act to amend Sections 1, 4a, 9, 10, 12, 16, 17, 24, 35, 73 and 74 of an Act entitled: "An Act to provide an elective system of Workmen's Compensation for industrial accidents" and known as Chapter 33 of the Acts of the General Assembly of the Commonwealth of Kentucky, ap-

proved on March 23, 1916, and the same Act as amended by what is known as Chapter 126 of the Acts of the General Assembly for the year 1918, and approved by the Governor on March 29, 1918, and the same Act as amended by what is known as Chapter 37 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1920, and approved by the Governor on March 22, 1920; said sections as amended, and to be amended, are known as Sections 4880, 4884, 4890, 4891, 4893, 4896, 4897, 4898, 4899, 4905, 4916 and 4956, and 4957 of Carroll's Kentucky Statutes, Vol. 3, 1918 Edition.

H. B. 405. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of Kentucky of 1920, by adding thereto, as project No. — extending from Leitchfield via Caneyville, Horse Branch, and Rosine to Beaver Dam.

H. B. 408. An Act consolidating the offices of Master Commissioner and Trustee of the Jury Fund with that of Circuit Court Clerk in all counties of this Commonwealth, except such counties as contain cities of the first, second, third and fourth classes.

H. B. 370. An Act providing for an annual license tax upon any person, firm or corporation handling, selling, dealing in or bartering pistols or revolvers, and providing for a violation thereof and fixing penalties; providing that every owner or purchaser of a pistol or revolver shall register same with the county clerk of the county in which such person resides and fixing registration fees therefor and providing penalties for a violation thereof or for the failure, neglect or refusal of such person to so register such pistol or revolver, and providing for a forfeiture of such pistol or revolver for such failure and providing a method of the sale thereof, and

providing fees and the disposition of same, and repealing all conflicting laws.

H. B. 424. An Act making the city of Springfield, Washington County, Kentucky, a center of construction in the primary system of State Highways laid out and designated in an Act of the General Assembly of the Commonwealth of Kentucky in 1920.

H. B. 425. An Act making the road leading from Perryville in Boyle County to Springfield in Washington County a part of the primary road system of Kentucky, connecting thereby project 25 at Perryville with Project No. 47 at Springfield said Projects as numbered being so designated in the road laws enacted at the regular session of the General Assembly of Kentucky in 1920.

S. B. 223. An Act to amend Subsec. 1019a of the Act approved February 27, 1920, the same being Chapter 2 of the Acts of the General Assembly of the Commonwealth of Kentucky at its 1920 session entitled: "An Act to amend subsec. 7 of Sec. 1019a of the Act approved March 29, 1902, entitled 'An Act to provide for stenographic reporters for Courts of continuous session.' "

H. B. 448. An Act to amend the Constitution of the Commonwealth of Kentucky by adding thereto Sec. 412, relating to the time the General Assembly shall remain in session and the introduction and passage of Acts and Resolutions.

H. B. 390. An Act to provide for the suppression of contagious diseases among bees, to create the office of State Inspector of Apiaries and to appropriate money therefor.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following title, viz:

H. B. 155. An Act to amend and re-enact section 3563 of the Kentucky Statutes relating to the control and improvement of public streets, alleys, side walks, roads, lanes, avenues, highways, and thoroughfares, in cities of the fourth class.

S. B. 180. An Act to amend and re-enact section 7 and 8 of Chapter 34 of the session Acts of the General Assembly of 1920, said Act being entitled: "An Act creating the Kentucky Geological Survey, designating its executive officer and his duties and providing funds for its maintenance."

S. B. 28. An Act to amend and re-enact section 1093 of Kentucky Statutes, Carroll's 1915 Edition, relating to jurisdiction of justices and quarterly courts in penal actions, and in violation of ordinances in sixth class towns.

S. B. 33. An Act amending and re-enacting sec. 1 of Sec. 3235a-26, Carroll's 1918 Supplement to Kentucky Statutes.

S. B. 43. An Act to amend an Act entitled: "An Act relating to the office of Police Judge in cities of the second class in this Commonwealth and etc."

S. B. 213. An Act to require all educational institutions receiving aid from the Commonwealth to make an annual report of receipts and expenditures to the State Department of Education.

S. B. 212. An Act amending and re-enacting Sec. 584, Kentucky Statutes (Carroll's 1915 Edition), relating to deposits in banks, amount to be kept on hand and defining time and demand deposits.

S. B. 131. An Act relating to roads and bridges, and amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto, as project No. —, extending from Bromley via Sparta to Warsaw.

S. B. 112. An Act to continue the existence of the Kentucky Council of Defense for the sole purpose of completing the work of gathering, arranging and preserving the History of Kentucky's part in the World War making an appropriation for that work and providing for final disposition of its War Historical Records.

S. B. 139. An Act to provide for the election of subdistrict trustees, in county rural school districts, and defining their duties.

S. B. 91. An Act to repeal Chapter 43 of the Acts of the General Assembly of 1920, relating to compulsory attendance of pupil children in the common schools, also Sec. 4526c-1, Sec. 4526c-6, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to compulsory attendance of pupil children in county school districts; and in order to provide for better school attendance of pupil children in county school districts, be there enacted in lieu of the above the following sections, relating to the school attendance of pupil children in county school districts.

S. B. 37. An Act to amend the Act of the General Assembly of 1910, creating the Bureau of Vital Statistics, being para. 6062a, Chapter 63, Carroll's Kentucky Statutes, and to provide for the publication of index lists of births and deaths registered in the Bureau of Vital Statistics.

S. B. 119. An Act to amend and re-enact Sec. 3845 of Kentucky Statutes, Carroll's 1915 Edition.

S. B. 106. An Act to amend and re-enact sec. 53 of Chapter 2 of title 4 of the Kentucky Code of Civil Practice.

S. B. 29. An Act relating to Banks and Banking, being an Act to amend Sec. 583, of Chapter 32, sub-division 1 of Article 2 of the Acts of April 5, 1893, Kentucky Statutes, Carroll's 1915 Edition, as amended March 26, 1918, entitled: "Indebtedness of persons to highest amount permitted—contain bills of exchange not included."

S. B. 67. An Act to amend and re-enact, as amended, Sec. 31 of an Act entitled, "An Act defining boundaries for school districts embracing cities of the Fourth Class, and providing systems of schools in such districts, and creating boards of education for such districts, providing for election thereof, defining their powers and duties, and repealing all laws in conflict therewith," approved March 13, 1920.

S. B. 113. An Act to amend an Act entitled: "An Act defining boundaries for school districts embracing cities of the fourth class and providing systems of schools in such districts and creating boards of education for such districts, providing for the election thereof, defining their powers and duties and repealing all laws in conflict therewith."

S. B. 123. An Act to amend and re-enact Sec. 1777 of the Kentucky Statutes, Carroll's Edition 1915, relating to Assessors in counties having two hundred thousand (200,000) population, increasing the maximum annual salary to be allowed to Deputy or Assistant Assessors, from fifteen hundred ($1,500.00) dollars, per annum to two thousand ($2,000.00) dollars per annum, and repealing conflicting laws.

S. B. 170. An Act amending and re-enacting sec. 2982, Kentucky Statutes, Carroll's Edition of 1915 (being Sec. 197 of the Act approved July 1, 1893, entitled: "An Act for the

government of cities of the first class," as amended by Sec. 2 of the Act approved March 16, 1898, entitled 'An Act to amend an Act entitled: 'An Act for the government of cities of the first class,' approved July first, eighteen hundred and ninety-three;") and providing for the borrowing, by such cities of funds for current fiscal needs, and the pledging of current taxes and revenues to secure such loans.

S. B. 120. An Act providing that the desertion of a pregnant wife by her husband shall be a felony, prescribing penalties therefor and amending subsection one (1) of section 331i of Chapter 18 of the Kentucky Statutes, which was an Act of March 4, 1916, pertaining to the desertion and abandonment of children.

S. B. 196. An Act for the benefit of the West Kentucky Industrial College, established at Paducah, Kentucky, making appropriations thereto.

S. B. 126. An Act to amend an Act entitled "An Act for the government of cities of the first class" approved July 1, 1893, so as to enlarge the powers of cities of the first class and to provide for the elimination of grade crossings of the public streets of such cities at grade over the tracks of steam or electric railroads, etc.

S. Res. 21. Resolution providing for the appointment by the Governor of a Commission of (100) one hundred citizens, to serve without pay, for a Henry Watterson Memorial.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

At the instance of the Committee on Rules the following bills were introduced, viz:

By Mr. Lewis.

H. B. 457. An Act imposing a State license tax on race tracks, at which races are run for purses or prized, under the jurisdiction of the Kentucky State Racing Commission; which license tax shall be in lieu of all other license, income, excise, special or franchise taxes to the State of Kentucky, but not in lieu of any like tax to any county, city, town, municipality or other political division thereof; and repealing the Act approved March 16, 1920, entitled: "An Act imposing a license tax on race tracks, at which races are run for purses or prizes, under the jurisdiction of the Kentucky State Racing Commission and which license tax is in lieu of all other license, income, excise, special or franchise tax to the State of Kentucky, or any county, city, town, municipality, or other political subdivision thereof.

By Mr. Hamilton.

H. B. 458. An Act making especial appropriations for the State Board of Charities and Corrections, with authority to expend the same for certain purposes, to acquire necessary property and to dispose of property not necessary for its uses.

By Mr. Bennett.

H. B. 459. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly of Kentucky of 1920, by adding thereto, as project No. 100B, extending from Ashbyburgh Ferry on Green River via Onton,

Sebree, Dixon, Clay, Blackfort to bridge across Tradewater river near Blackford, Kentucky.

By Mr. Hawkins.

H. B. 460. An Act to amend and re-enact Sec. 5 of an Act entitled: "An Act relating to roads and bridges; creating the department of State roads and highways, providing for officers to administer it and prescribing the powers and duties of such officers, establishing and designing a primary system of state highways and providing for their construction and maintenance and for other purposes designated in the title, and known as Chapter 17 of the Acts of 1920 and approved March 16, 1920, and being subsec. 5 of Sec. 4356t of Carroll's 1922 Kentucky Statutes.

Said bills were ordered printed and referred to Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 57. An Act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

Said bill is as follows, viz:

wealth of Kentucky:

Be it enacted by the General Assembly of the Common-

§ 1. That the term common carrier or common carriers whenever used in this Act, shall mean and embrace any person, corporation or company engaged in the transportation of goods or passengers for hire or compensation within this State by rail or boat, however propelled, but shall not embrace

the operation of street car companies wholly within the limits of any city or town within the State; but shall include sleeping car companies, chair car companies, and the word carrier wherever used in this Act shall mean and include common carriers.

§ 2. Every common carrier subject to this Act shall furnish reasonably adequate service and facilities and the charge made for any service rendered or to be rendered in the transportation of passengers or property, or for any service in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service, and every unreasonable rule, regulation or practice in connection therewith is hereby prohibited and declared to be unlawful.

§ 3. Every common carrier by rail shall print or publish in legible form schedules or tariffs showing all the fares, rates and charges for the transportation of persons or property and any service in connection therewith between different points on its own route in the state of Kentucky and between points on its own route and points on the route of any other carrier in the State of Kentucky when a through route and joint rates have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file and print or publish in legible form the separately established rates, fares and charges applied to the through transportation. Such schedule shall be plainly printed or published in a legible form and a copy filed with the railroad commission. A copy for the use of the public shall be kept in every depot or station of such common carrier convenient for public inspection where freight or passengers are received for transportation, provided an agent is maintained at said depot or station. If, however, an agent is not maintained at said depot or station where passengers and property are received for transportation, then this requirement shall apply to the next nearest station or depot where an agent is maintained and the billings are made out. The copy of the schedule kept in a station for the inspection

of the public need not show any other rates than those to all points from such station.

§ 4. The railroad commission shall have the same power to regulate the existing joint rates of two or more common carriers where the transportation covered by said rates is partly by water and partly by rail, wholly within the State of Kentucky, as it now has to regulate joint rates of carriers by rail, and may, after due notice to the carriers, hear complaints and establish a through route and prescribe a just and reasonable maximum joint rate to be charged for the transportation of persons or property over such route, partly by water and partly by rail, provided no just and reasonable through route or joint rate exists, and also prescribe an equitable division of such joint rate whenever the carriers themselves shall refuse or neglect to establish any such through route or division of such joint rate. Any order of the railroad commission made under this section shall take effect and be in force after the expiration of ten days from the time the same shall be entered of record on the order book of the commission and a copy thereof certified by the secretary of the commission mailed to any officer, agent or attorney of the carrier affected thereby; and said order may be revoked or modified by a subsequent order likewise entered on record; and any carrier or official, agent or employe thereof knowingly or wilfully failing to comply with any order of the commission made and entered under the provisions of this section shall be guilty of the same offense and shall be proceeded against in a like manner as provided for a violation of Section 820a, Carroll's Edition, Kentucky Statutes.

§ 5. No change shall be made in the rates, fares or charges which have been filed and published by any carrier by rail in compliance with this Act except after not less than thirty days' notice to the railroad commission and to the public, published as aforesaid and any changes to be made in the schedule or tariffs then in force, and the date of said proposed

effective changes shall be shown by new schedules or supplements thereto, printed or published in legible form; provided that the railroad commission may, in its discretion, and for good cause shown, enter an order of record allowing changes in the tariff or schedule upon less time or modify the requirements of this Act in respect to publicly posting notices and filing of tariffs either in particular instances or by a general order applicable to special or peculiar circumstances or conditions. And, provided further, that any change ordered by the railroad commission under Section 820a, Kentucky Statutes, Carroll's Edition 1915, or under any provision of this Act, shall take effect as provided therein.

§ 6. It shall be unlawful for any carrier by rail to charge, demand, collect or receive a greater or less compensation for the transportation of property or for any service rendered in connection therewith than is specified in such printed schedules or tariffs, including schedules of joint rates, as may at the time be in force, and the rates, fares and charges specified therein shall be the lawful rates, fares and charges until the same are changed as provided in Section 820a, Kentucky Statutes, Carroll's Edition 1915, or under the provisions of this Act. The commission may prescribe such changes in the form in which the schedules are issued by the carrier as may be found expedient.

§ 7. Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare or charge, the commission shall have, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, charge, classification, regulation or practice; and pending such hearing and the decision thereon the commission upon filing with

such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension may suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation or practice, but not for a longer period than 120 days beyond the time when such rate, fare, charge, classification, regulation, or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, fare, charge, classification, regulation or practice had become effective. At any hearing involving a rate increased or sought to be increased after the passage of this Act, the burden of proof to show that the increased rate or proposed increased rate is just and reasonable shall be upon the common carrier, and the commission shall give to the hearing and decision of such question preference over all other questions pending before it and decide the same as speedily as possible.

§ 8. The railroad commission shall have the power upon complaint filed as prescribed by Section 829, Kentucky Statutes, Carroll's Edition 1915, and upon notice and hearing as prescribed therein to make an order requiring a carrier or carriers to remove any undue preference or advantage or any undue prejudice or disadvantage prohibited by Section 818, Kentucky Statutes, Carroll's Edition 1915, and found by the commission to exist and shall also have the power to make an order prescribing the rates to be charged or services to be performed in order to remove such undue preference and or advantage, or such undue prejudice or disadvantage; and any carrier, agent or employe of a carrier knowingly or wilfully failing to comply with such order within thirty days after the same is entered by the commission on its records and a copy thereof mailed the general freight agent of the carrier or carriers ordered to cease and desist from the undue preference or advantage, or the undue prejudice or disadvantage found to exist, shall be deemed guilty of a misdemeanor and shall be fined for the first offense in any sum not exceeding two hundred and fifty dollars, for the second offense in any

sum not exceeding five hundred dollars and for the third offense in any sum not exceeding two thousand five hundred dollars. The circuit court of any county into which the line or lines of such carrier or carriers run and the Franklin Circuit Court shall have concurrent jurisdiction of said offense except as to an officer, agent, or employe of the carrier, as to whose offense only the circuit court of a county into which the line of such carrier or carriers run shall have jurisdiction.

§ 9. Nothing in this Act shall be construed to prevent concentration, commodity transit and other special contract rates; but all such rates shall be open to all shippers for a like kind of traffic under similar circumstances and conditions and shall be subject to the provisions as to printing and filing of the same and all such rates shall be under the supervision and regulation of the railroad commission.

§ 10. The railroad commission shall have power and it shall be its duty to prescribe reasonable charges for the unreasonable detention of cars by shippers or consignees of intrastate freight whether held for loading or unloading or for any other purpose.

§ 11. Whenever the railroad commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to, or changes in, the existing stations and depots of any carrier by rail subject to this Act ought reasonably to be made, or that a new station or depot building should be erected, the commission shall make and serve an order directing that such additions, extensions, repairs, improvements or changes be made or that such new station or depot buildings be erected in the manner and within the time specified in said order. If the commission order the erection of a new building it may also fix the site thereof. If any additions, extensions, repairs, improvements, or changes or any new stations or depot building or buildings which the commission has ordered to be erected require joint action by two or more carriers, the commission shall notify the said carriers that such additions,

extensions, repairs, improvements or changes or new buildings have been ordered and that the same shall be made at their joint cost, whereupon the said carriers shall such reasonable time as the commission may grant within which to agree upon the portion or division of cost of such additions, extensions, repairs, improvements or changes or new buildings, which each shall bear. If, at the expiration of such time said carriers shall fail to file with the commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs, improvements, or changes or new buildings, the commission shall have the authority, after further hearing, to make an order, fixing the proportion of such cost or expense to be borne by each carrier and the manner in which the same shall be paid or secured.

§ 12. The commission shall fix such reasonable time as it may deem proper in which the persons or carriers affected by an award or order entered under the foregoing section shall notify the commission of their intention to comply with such award or order, and if, at the expiration of such time said persons or carriers have failed to file with the commission on a statement in writing that they will proceed to comply with said order or award, if after filing said statement in writing such persons or carriers should fail to comply with said order or award, the chairman shall file a copy of the said award and the evidence heard in the office of the clerk of the circuit court of the county, which under the Code of Practice, would have jurisdiction of said controversy, and the clerk of said court shall enter the same on the docket for trial; and summons shall be issued as in other cases against the party against whom the award shall have been rendered, requiring said party to appear in the court within the time allowed in ordinary cases and show cause why said award shall not be satisfied. If said party fails to appear judgment shall be rendered by default and the same proceedings had thereon as in other ordinary cases. If a trial is demanded the case shall

be tried in all respects as other ordinary cases, except that no evidence shall be introduced by either party except that heard by the commission except such as the court shall be satisfied by sworn testimony could not have been procured before the commission by the exercise of reasonable diligence; the judgment and proceedings thereon shall be the same as in other ordinary cases, and the court shall enter judgment enforcing the order or award of the commission unless the same be contrary to the law and the evidence. From the judgment of the court appeal shall lie to the Court of Appeals by either commission or the carrier or carriers, and all proceedings in court under this Act shall have precedence over all other causes except criminal causes.

§ 13. The commissioners and officers and employes of the railroad commission, shall, when in the performance of their official duties, have the right to pass free of charge on all railroads, cars, vessels and other vehicles of common carriers subject in whole or in part to control or regulation by the commission, between points within this state, and each carrier shall issue to the Commonwealth, for the use of each of said commissioners, officers and employes, written or printed authority entitling them to be transported over their respective lines when engaged in the discharge of their official duties without charge or compensation.

§ 14. Whenever a carrier by rail shall in competition with a water route, or routes, reduce the carriage on any species of freight to or from competitive points, it shall not be permitted to increase such rates, unless after hearing by the railroad commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.

§ 15. It shall be the duty of the railroad commission to see that every provision of this Act is carried out, and it shall have the power to hear and determine every complaint of any violation of the provisions of this Act, provided that

all complaints shall be made in writing and the company complained of shall have not less than ten days' notice of the time and place of hearing of the same. The commission shall hear and reduce to writing all evidence produced by the parties, and render such award as may be proper.

§ 16. It shall be the duty of any sheriff or deputy in the Commonwealth of Kentucky to execute all summons and orders necessary to be issued by the railroad commission under the provisions of this Act and make return to the chairman of the commission how they have executed said subpoenas and orders.

§ 17. Any common carrier, agent or employe, violating any of the provisions of this Act, or any official, agent or servant of any common carrier who shall fail or refuse to do or perform any duty or obligation required to be done or performed by common carriers as provided by law or under the provisions of this Act, and any common carrier, official, agent or employe who fails or refuses to comply with any order of the railroad commission made and entered pursuant to and in conformity with the provisions of this Act, shall be deemed guilty of misdemeanor, and upon conviction, if no other penalty is provided by law or by the provisions of this Act, shall be fined in any sum not less than five hundred dollars nor more than one thousand dollars for each offense.

§ 18. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

§ 19. All prosecutions under this Act shall be commenced within two years after the offense shall have been committed.

§ 20. The rights, privileges and remedies herein prescribed shall not be in lieu of, but in addition to the rights, privileges and remedies now existing in such cases under the common law.

§ 21. All laws and parts of laws inconsistent with this Act are hereby repealed.

Together with the Amendments offered by the Committee on Rules.

Said Committee Amendments are as follows, viz:

"Amend H. B. 57 by striking out all of section 6 after the word "Act" in the 9th line thereof, also by striking out all of section 11."

"Amend by striking out the words, "wholly within the limits of any city or town within the State;" but "in lines 5 and 6 of Sec. 1 and inserting the word "and" in lieu thereof, and further amending by inserting the word "all" after the word "include" in line 8 of Sec. 1 and further amending by inserting the words, "except street railroad companies" after the word, "carrier" in line 8 of Sec. 1."

Said Amendments were agreed to.

Mr. Hamilton offered the following Amendment to said bill, viz:

"Amend by adding at end of Sec. 1 these words "provided that this does not apply to bus and truck lines running on public roads."

Said Amendment was agreed to.

Mr. Meyers offered the following Amendments, viz:

"That Sec. 4 of H. B. 57 be amended by inserting the following additional clause:

"Provided, however, that the Railroad Commission shall not have the power to establish a through route or prescribe maximum joint rates under this subsection until the person or persons making the application therefor shall cause to be executed and filed with the Commission bond in a sum to be fixed by the Commission at not less than $10,000, with sureties approved by the Commission, indemnifying the carrier or carriers interested in such joint rate against any loss or damage on account of the insolvency or wrongful act of the water carrier participating in such joint rate; and provided further, that the Commission shall not establish any such through route and shall not prescribe any such joint rate over a route partly by rail and partly by water where there is now established a joint rate and through route between carriers partly by water and partly by rail, unless and until it be affirmatively shown that the water carrier is unable to properly transport the offered volume of traffic."

"That Sec. 8 be amended by striking out the words "and shall also have the power to make an order prescribing the rates to be charged or the services to be performed in order to remove such undue preference or advantage or such undue privilege or disadvantage."

"That sections 11 and 12 be eliminated."

Said Amendments were disagreed to.

Mr. Hamilton offered the following Amendment, viz:

"Amend by striking out all of Section 13."

Said Amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Hamilton and Miller were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar Leibson	W. T. McGuire
J. F. Bosworth	Leon P. Lewis	Geo. W. Newman
E. B. Cross	Harry J. Meyers	Fred C. Vanhoose
Arch L. Hamilton	Harry B. Miller	
Lester Jeter	Ed. P. Murrah	

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Those who voted in the negative were—

R. M. Amos	J. Edgar Hadden	Arch M. Quarles
B. C. Beckmann	Oscar P. Harvey	R. I. Rice
C. W. Bennett	H. C. Hawkins	Arthur Saunders
W. M. Boling	Frank J. Humbert	David I. Scott
Thos. Bowman	J. T. Jennings	Lee L. Simons
Berl Boyd	Ira Jones	George W. Smith
John E. Brown	Wright Kelly	Ira D. Smith
Sam A. Cary	H. R. Lawrence	R. F. Stewart
Chas. Chandler	Martin Light	Frank L. Strange
Lee Clark	C. C. May	Geo. F. Thompson
Bryce Cundiff	S. H. Moore	D. D. Thornberry
J. C. Day	B. A. Muster	John M. Tinsley
O. A. Denton	C. D. McCaw	Chas. B. Truesdell
A. W. Dorsey	E. E. Nelson	John L. Trumbo
H. C. Duffy	Chas. A. Nelson	Oscar Vest
W. D. Duncan	D. A. O'Donovan	W. T. Walker
George W. Ellis	C. C. Oney	W. S. Wallen
Dr. H. M. Fultz	Brodie Payne	W. D. Watkins
W. L. Gossett	H. Walter Pierce	W. G. Wheeler
Ed. A. Gullion	S. R. Powell	J. B. Wicker

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Mr. Hamilton moved the Previous Question.

The Speaker stated, shall the main question be now put.

The vote being taken thereon it was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. Edgar Hadden	S. R. Powell
R. M. Amos	Oscar P. Harvey	Arch M. Quarles
B. C. Beckmann	H. C. Hawkins	R. I. Rice
C. W. Bennett	Thos. O. Holder	Arthur Saunders
J. E. Bickett	J. T. Jennings	David I. Scott
W. M. Boling	Lester Jeter	Lee L. Simons
Thos. Bowman	Wright Kelly	George W. Smith
Berl Boyd	H. R. Lawrence	Ira D. Smith
John E. Brown	Leon P. Lewis	R. F. Stewart
Sam A. Cary	Martin Light	Frank L. Strange
Chas. Chandler	C. C. May	H. V. Thompson
Lee Clark	Harry B. Miller	Geo. F. Thompson
E. B. Cross	R. C. Moore	D. D. Thornberry
Bryce Cundiff	S. H. Moore	John M. Tinsley
J. C. Day	B. A. Muster	N. I. Toombs
O. A. Denton	C. D. McCaw	Chas. B. Truesdell
A. W. Dorsey	W. T. McGuire	John L. Trumbo
H. C. Duffy	R. D. McMurtry	Fred C. Vanhoose
W. D. Duncan	E. E. Nelson	Oscar Vest
George W. Ellis	Chas. A. Nelson	W. T. Walker
Mrs. M. E. Flannery	D. A. O'Donovan	W. D. Watkins
Emery L. Frazier	C. C. Oney	W. G. Wheeler
Dr. H. M. Fultz	Brodie Payne	J. B. Wicker
W. L. Gossett	H. Walter Pierce	T. C. Willis
Ed. A. Gullion		

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Those who voted in the negative were—

Harry J. Meyers Geo. W. Newman —2

Resolved that the title thereof be as aforesaid.

Mr. Ira D. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Lawrence moved that the Session of today be extended indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 383. An Act to amend Subsec. 4 of Sec. 331e, Kentucky Statutes, Carroll's 1915 Edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sub-section 3, of Section 331e, Kentucky Statutes, Carroll's 1915 Edition, be and the same is hereby amended and re-enacted, so that said section, when so amended and re-enacted, shall read as follows:

"The county courts of the several counties of this State shall have authority to appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers during the pleasure of the court without any compensation whatsoever. In counties having a City of the First, Second, Third and Fourth Class, the county court may appoint one probation officer, who shall be designated as chief probation officer, and who shall receive a salary of not exceed-

ing twenty-four hundred ($2,400.00) dollars per year, to be fixed by the county judge; one or more assistant probation officers, one of whom shall receive a salary of not exceeding twelve hundred ($1,200.00) dollars per year, and all other assistants so appointed shall receive a salary not exceeding one thousand ($1,000.00) dollars per year, such salaries to be fixed by the judge of the county court. Such salaried probation officers shall be allowed their actual and necessary expenses incurred in the performance of their duties; said salaries and expenses to be paid as provided herein. All such salaried probation officers shall have all the powers of sheriffs and county patrolmen in making arrests."

Mr. Duffy offered the following amendment, viz:

Amend by striking out the words "fourth class" in line 9 of bill.

Said Amendment was disagreed to.

Mr. Gossett moved that the vote by which said Amendment was disagreed to be reconsidered.

Said motion was agreed to.

Said Amendment was then agreed to.

The Hour of twelve-thirty o'clock having arrived Mr. Lawrence moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The Hour of one-thirty o'clock having arrived the Speaker resumed the Chair and called the House to order.

The House resumed the consideration of the matter under discussion, to-wit:

H. B. 383 (For title see Journal above of today).

Mr. Payne offered the following amendment, viz:

"Amend H. B. 383 by striking from line 9 of the printed bill the word "third" and inserting in said line before the word "second" the word "and," and by striking out the comma in said line after the word "first," and by adding after the word "Court" in line 17 of the printed bill the following: "in counties having a city of the third class, the county judge with the approval of the fiscal court, may appoint one probation officer, who shall be designated as chief probation officer and who shall receive a salary of not exceeding $240.00 per year to be fixed by a majority vote of the fiscal court."

Said Amendment was adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. F. Bosworth	Mrs. M. E. Flannery
R. M. Amos	Chas. Chandler	Dr. H. M. Fultz
C. W. Bennett	H. C. Duffy	Bryant Green

Oscar P. Harvey	S. H. Moore	Geo. F. Thompson
H. C. Hawkins	Ed. P. Murrah	John M. Tinsley
Frank J. Humbert	R. D. McMurtry	Garnett W. Tolin
R. O. Huntsman	Geo. W. Newman	N. I. Toombs
J. T. Jennings	James Park	Chas. B. Truesdell
Wright Kelly	H. Walter Pierce	John L. Trumbo
H. R. Lawrence	S. R. Powell	Fred C. Vanhoose
Oscar Leibson	J. L. Richardson	Oscar Vest
Leon P. Lewis	Arthur Saunders	Geo. C. Waggoner
C. C. May	David I. Scott	W. S. Wallen
Harry J. Meyers	Reuben E. Skaggs	W. D. Watkins
Harry B. Miller	George W. Smith	—44

Those who voted in the negative were—

J. E. Bickett	A. W. Dorsey	Arch M. Quarles
W. M. Boling	George W. Ellis	R. I. Rice
Thos. Bowman	W. L. Gossett	Frank L. Strange
Berl Boyd	J. Edgar Hadden	H. V. Thompson
Lee Clark	Lester Jeter	D. D. Thornberry
E. B. Cross	S. B. Lane	W. T. Walker
Bryce Cundiff	Martin Light	J. B. Wicker
O. A. Denton	W. T. McGuire	T. C. Willis
		—24

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 180. An Act to amend an Act of the General Assembly of 1920 in Chapter so entitled: "An Act to amend and

re-enact Sec. 3783 of the Kentucky Statute, Carroll's Edition, 1915, relating to the patrols."

Said bill is as follows, viz:

Be it enacted by the General Assembly of Kentucky:

That an Act of the session General Assembly of 1920 in Chapter 80, being an act entitled, "An Act to amend and re-enact section 3783 of the Kentucky Statutes, Carroll's Edition, 1915, relating to patrols," be and the same is hereby amended by striking from the second paragraph thereof the words "a population of one hundred and fifty thousand inhabitants" and inserting in lieu thereof, "Cities of the first or second class" so that when said paragraph is amended the same shall read as follows:

"Patrols shall each be paid by order of the County Court out of the county levy, a sum not to exceed One dollar for each ten hours they may have been purposely engaged in the performance of their duties, except that in counties having cities of the first and second class, they shall be paid, not exceeding the sum of $1,200.00 per annum payable in equal monthly installments out of the county levy, and the county court in such counties having cities of the first and second class, may designate one of said county patrols as chief of the county patrolmen, who shall serve as such chief during the pleasure of the county court, and such chief shall be paid not exceeding the sum of $1,500.00 per annum out of the county levy, payable in equal monthly installments. The county court, shall by order, fix the amount of their salary within the limits herein provided. The county court with the approval of the fiscal court may designate one or more of said patrols as motorcycle patrols, who in the discretion of the fiscal court, may be provided with motorcycles, and the chief of the county patrolmen, in the discretion of the fiscal court, may be provided with an automobile."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	H. Walter Pierce
R. M. Amos	R. O. Huntsman	Arch M. Quarles
B. C. Beckmann	Ira Jones	J. L. Richardson
C. W. Bennett	Wright Kelly	David I. Scott
J. E. Bickett	S. B. Lane	Reuben E. Skaggs
W. M. Boling	H. R. Lawrence	Ira D. Smith
J. F. Bosworth	Leon P. Lewis	Geo. F. Thompson
Thos. Bowman	Martin Light	D. D. Thornberry
Berl Boyd	Rufus Lisle	John M. Tinsley
Chas. Chandler	C. C. May	Garnett W. Tolin
Lee Clark	Harry J. Meyers	N. I. Toombs
E. B. Cross	Harry B. Miller	Chas. B. Truesdell
J. C. Day	R. C. Moore	John L. Trumbo
A. W. Dorsey	S. H. Moore	Fred C. Vanhoose
Mrs. M. E. Flannery	Ed. P. Murrah	Oscar Vest
Emery L. Frazier	B. A. Muster	Geo. C. Waggoner
Dr. H. M. Fultz	C. D. McCaw	W. T. Walker
W. L. Gossett	E. E. Nelson	W. S. Wallen
Bryant Green	Chas. A. Nelson	W. D. Watkins
Ed. A. Gullion	Geo. W. Newman	W. G. Wheeler
J. Edgar Hadden	James Park	J. B. Wicker
Arch L. Hamilton	Brodie Payne	T. C. Willis
H. C. Hawkins		

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Those who voted in the negative were—

Bryce Cundiff	Oscar P. Harvey	Lester Jeter
O. A. Denton	Frank J. Humbert	S. R. Powell
H. C. Duffy	J. T. Jennings	Arthur Saunders

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Resolved that the title thereof be as aforesaid.

Mr. Adams moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 444. An Act to amend Section 3 of an Act entitled: "An Act to create the Kentucky Library Commission, to define its powers and duties, and to provide for its expenses," which Act was approved March 17, 1910.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 3 of Chapter 27, Acts 1910, entitled "An Act to create the Kentucky Library Commission, to define its powers and duties, and to provide for its expenses," which Act was approved March 17, 1910, be amended by striking out the words "not exceeding $1,500 annually," so that when said section is amended and re-enacted it will read as follows:

The officers of the Commission shall be a chairman, elected from the members thereof, for a term of one year, and a secretary, who shall be a person trained in modern library methods, not a member of the Commission. The secretary shall be appointed by the Commission and shall serve at the will of the Commission under such conditions and for such compensation as to it shall seem adequate.

Said Secretary shall keep a record of the proceedings of

the Commission; keep accurate accounts of its financial transactions; have charge of its work in organizing new libraries, and improving those already established; supervise the work of the traveling libraries, and in general perform such duties as may from time to time be assigned to him by the Commission.

The Commission shall be authorized to employ such other clerical and expert assistance as may be necessary. The Secretary and assistants shall be allowed actual and necessary expenses while absent from the Commission office upon the service of the Commission.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Mrs. M. E. Flannery	Leon P. Lewis
R. M. Amos	Dr. H. M. Fultz	Martin Light
B. C. Beckmann	Bryant Green	Rufus Lisle
C. W. Bennett	Ed. A. Gullion	Harry J. Meyers
J. E. Bickett	J. Edgar Hadden	S. H. Moore
Thos. Bowman	Arch L. Hamilton	C. D. McCaw
Berl Boyd	Oscar P. Harvey	W. T. McGuire
Sam A. Cary	H. C. Hawkins	E. E. Nelson
Chas. Chandler	Frank J. Humbert	Geo. W. Newman
Lee Clark	R. O. Huntsman	D. A. O'Donovan
Bryce Cundiff	Lester Jeter	C. C. Oney
J. C. Day	Wright Kelly	Brodie Payne
A. W. Dorsey	S. B. Lane	S. R. Powell
George W. Ellis	H. R. Lawrence	J. L. Richardson

David I. Scott	John M. Tinsley	W. T. Walker
Lee L. Simons	Garnett W. Tolin	W. S. Wallen
Ira D. Smith	Chas. B. Truesdell	W. D. Watkins
Frank L. Strange	John L. Trumbo	W. G. Wheeler
H. V. Thompson	Oscar Vest	J. B. Wicker
Geo. F. Thompson	Geo. C. Waggoner	T. C. Willis
D. D. Thornberry		—61

Those who voted in the negative were—

W. M. Boling	O. A. Denton	Arthur Saunders
E. B. Cross	B. A. Muster	N. I. Toombs
		—6

Resolved that the title thereof be as aforesaid.

Mr. Payne moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 336. An Act relating to the inspection of oils, abolishing the office of "Oil Inspector"; creating the office of Oil Tester and Gauger; providing for the payment of said officers, and disposing of the inspection fees collected.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The office of Oil Inspector as provided for in Chapter 59, General Statutes (Section 2204, &c., Carroll's 1915 Stat-

utes), is hereby abolished, and each and every Oil Inspector in the Commonwealth to hold office until July 1st, 1922.

2. On or before July the first, 1922, the judge of the county court in each and every county in the Commonwealth shall appoint for such county an official Tester and Gauger of Oils, except in counties having therein cities of the first class, wherein such appointment shall be made by the State Tax Commission. Such officers shall be appointed for a term of four years; shall take office on July 1st upon or after the date of his appointment, and shall qualify by taking the oath of office as required of other officers of the Commonwealth, and by giving the bond required by section 2212, Carroll's 1915 Kentucky Statutes, and may be removed from office by the appointing authority, on notice, for misconduct, negligence, incompetency, misfeasance or malfeasance.

3. Such inspector shall perform all the duties, have all the powers and authority and be under the same restrictions and rules as are provided now by law as to and for oil inspectors, particularly Section 2202 to 2217, Carroll's 1915 Kentucky Statutes.

4. Each Tester and Gauger of Oils, in this Commonwealth, shall on the fifteenth and first day of each and every month report and pay all inspection fees collected by him to the Auditor of Public Accounts and the Auditor shall keep a separate account of the moneys reported and paid by each Tester and Gauger of Oils.

5. On the first day of each month the Auditor shall draw his warrant payable to each Tester and Gauger for the amount which he has reported and paid for the previous month, in no instance however to exceed the sum of three hundred ($300.00) dollars per month to any Tester or Gauger for any one county, and the total warrant in any twelve-month not to exceed the sum of three thousand six hundred ($3,600.00) dollars. The purpose being to limit the salary of each Tester and Gauger

to a sum not exceeding $3,600.00 per year, and to limit the monthly payments to a sum of not exceeding $300.00.

6. In counties having therein a city of the first class, the State Tax Commissioners may in their discretion appoint one Assistant Tester and Gauger, who shall receive his compensation in the same manner as the chief officer, the compensation not to exceed the sum of $2,400.00 per year, and to be paid in installments of not more than $200.00 per month.

7. Any and all surplus remaining to the credit of any Tester and Gauger at the close of any year, after the payment of the compensation of the Tester and Gauger and assistant, shall be by the Auditor placed to the credit of any fund in the Auditor's hands to be used in furtherance and aid of the work, of the State University, Lexington, Ky., and of the Eastern and Western Normal Schools of Richmond and Bowling Green, Ky., pro rated in the same proportion as the State funds are now pro rated.

8. The Oil Tester appointed for each county in this Commonwealth as herein provided for shall perfrom the same duties and charge the same fees as compensation for the services rendered by him in the testing of oil in his county as is now paid and provided for in Section 2211 of Chapter 21, Article III, Carroll's 1915 Edition of Kentucky Statutes, but such fees shall be reported by him and disposed of as hereinbefore provided for.

Together with an Amendment thereto by way of a Substitute therefor.

Mr. Vest moved that further consideration of said bill be postponed and that said Substitute be ordered printed.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 380. An Act to regulate the manufacture and sale

of Foods and Drugs and providing penalties for violations thereof; repealing, amending and re-enacting that portion of Chapter 63, Article IV, Section 2060, sub-sections 2060a-1 to 2060a-18, of Carroll's Kentucky Statutes of 1918, relating to Pure Food and Drug Inspection and Regulations; and re-apportioning and appropriating funds to carry out the provisions of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2060, Chapter 65 of the Acts of the General Assembly of 1918; the same being Section 2060 and Subsections 2060a-1 to 2060a-18, in Volume 3, Carroll's Kentucky Statutes of 1918, relating to food, drugs and laboratories, be amended by striking out said sections and inserting in lieu thereof, the following, so that said sections when amended and re-enacted, shall read as follows:

§ 1. That it shall be unlawful for any person, persons, firm or corporation within this State to manufacture for sale, produce for sale, expose for sale, have in his or their possession for sale or to sell any article of food or drug which is adulterated or misbranded within the meaning of this act; and any person or persons, firm or corporation who shall manufacture for sale, expose for sale, have in his or their possession for sale or sell any article of food or drug which is adulterated or misbranded within the meaning of this act, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not to exceed fifty days or both such fine and imprisonment; Provided, that no article of food or drug shall be deemed misbranded or adulterated within the provisions of this act when intended for shipment to any other State or country, when such article is not adulterated or misbranded in conflict with the laws of the United

States; but if said article shall be in fact sold or offered for sale for domestic use or consumption within this State, then this proviso shall not exempt said article from the operations of any other provisions of this act.

§ 2. That the term food, as used in this act, shall include every article used for or entering into the composition of food or drink for man, including all liquors and confectionery.

§ 3. For the purpose of this act an article of food shall be deemed misbranded:

First. If the package or label shall bear any statement purporting to name any ingredient or substance as not being contained in such article, which statement shall not be true in any part; or any statement purporting to name the substances of which such article is made, which statement shall not give fully the name or names of all substances contained in any measurable quantity.

Second. If it is labeled or branded in imitation of or sold under the name of another article, or is an imitation either in package or label of another substance of a previously established name; or if it be labeled or branded so as to deceive or mislead the purchaser or consumer with respect to where the article was made or as to its true nature and substance, or as to any identifying term whatsoever, whereby the purchaser or consumer might suppose the article to possess any property or degree of purity or quality which the article does not possess.

Third. If in the case of certified milk, it be sold as, or labeled "certified milk," and it has not been so certified under rules and regulations by any county medical society, or if when so certified it is not up to that degree of purity and quality necessary for infant feeding.

Fourth. If it be misrepresented as to weight or measure or, if where the length of time the product has been ripened, aged or stored or if where the length of time it has been kept in tin or other receptacle tends to render the article unwhole-

some, the facts of such excessive storage, ripening, aging or packing are not plainly made known to the purchaser and to the consumer.

Fifth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular. Provided, that articles of liquor which do not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded within the provisions of this act; in the case of articles labeled, branded or tagged so as to blends, and the word "compound," "imitation" or "blend," plainly indicate that they are compounds, imitations, or as the case may be, is plainly stated on the package in which it is offered for sale. Provided, that the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only.

Sixth. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count. Provided, however, that reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established.

§ 4. For the purpose of this act, an article of food shall be deemed to be adulterated:

First. If any substance or substances be mixed or packed with it so as to reduce, lower or injuriously affect its quality or strength.

Second. If any substance be substituted wholly or in part for the article so as to reduce, lower or injuriously affect its quality or strength.

Third. If any valuable constituent of the article has been wholly or in part abstracted; or if the product is below that standard of quality represented to the purchaser or consumer.

Fourth. If it is mixed, colored, coated, polished, powdered, or stained whereby damage is concealed, or if it is made to appear better or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance of a previously established name.

Fifth. If it contains added poisonous ingredients which may render such article injurious to health, or if it contains any antiseptic or preservative which may render such article injurious to health, or any other antiseptic or preservative not evident or not plainly stated on the main label of the package.

Sixth. If it consists of or is manufactured from in whole or in part of a diseased, contaminated, filthy or decomposed substance, either animal or vegetable, unfit for food, or an animal or vegetable substance produced, stored, transported or kept in a condition that would render the article diseased, contaminated or unwholesome, or if it is any part the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter, or that has been fed upon the offal from a slaughterhouse, or if it is the milk from an animal fed upon a substance unfit for food for dairy animals or from an animal kept and milked in a filthy or a contaminated stable or in surroundings that would render the milk contaminated. Provided, that any article of food which may be adulterated and not misbranded within the meaning of this act, and which does not contain added poisonous or deleterious ingredients and which is not otherwise adulterated within the meaning of paragraphs four, five and six of Section 4 of this act, or which does not contain any filler or ingredient which debase without adding food value, can be manufactured or sold, if the same be labeled, branded, or tagged so as to show the exact character thereof. And all such labels and all labeling of packages provided for in any provisions of this act shall be on the main label of each package and in such position and character of type and terms as will be plainly seen, read and understood by the purchaser or consumer. Provided,

further, that nothing in this act shall be construed as requiring or copelling the proprietors, manufacturers, or sellers of proprietary foods which contain no unwholesome substance or ingredients to disclose their trade formulae except in so far as the provisions of this act require to secure freedom from adulteration, imitation or misbranding. But in the case of baking powders, every can or other package, shall be labeled so as to show clearly the name of the acid salt, which shall be plainly stated on the face of the label to show whether such salt is cream of tartar, phosphate or alum. Provided, further, that nothing in this act shall be construed to prohibit the manufacture or sale of colored oleomargarine, butterine, or kindred compounds in a separate and distinct form and labeled in such manner as will advise the consumer of the real character thereof, provided the coloring matter or ingredients used in coloring same is harmless, not poisonous and not deleterious to health.

§ 5. Mixtures or compounds of wheat flour and leavening ingredients manufactured or sold as self rising flour or by any other name shall be deemed to be adulterated if it fails to conform to the following standard of purity and strength, to-wit:

Self rising flour is composed of flour, salt and chemical leavening agents. The flour is of the grade of "straight" or better. These chemical leavening agents are bi-carbonate of soda and calcium acid, phosphate, sodium aluminum sulphate, cream of tartar, tartaric acid, or combinations of the same, to produce when sold for use not less than one-half of one per cent by weight available carbon dioxide gas; and,

1. The names of each of the chemical ingredients added to said flour by the manufacturer shall be plainly and conspicuously declared upon the front of the label or package, and the proportion of calcium sulphate contained in said chemical ingredients shall be declared in terms of percentage by weight of the acid ingredients.

2. There shall not be contained in any self rising flour

a total of more than 3.5% of chemical leavening ingredients.

§ 6. That, for the purpose of this act, condensed, evaporated and concentrated milk is defined as the product resulting from the elimination of a considerable portion of the water from the fresh, clean lacteal secretion, colostrum free, obtained by the complete milking of cows, properly fed and kept. Said product to contain when made from whole milk, without added sugars, all tolerances allowed, at least twenty-five and five-tenths per centum (25.5%) of milk solids, including at least seven and eight-tenths per centum (7.8%) of milk fat; when made from whole milk with added sugars, all tolerances allowed, at least twenty-eight per centum (28%) of milk solids, including at least eight per centum (8%) of milk fat, and when made from skimmed milk to contain, all tolerances allowed, at least twenty per centum (20%) of milk solids.

§ 7. That for the purpose of this act ice cream is hereby defined and standardized:

First. Ice cream is a frozen food product, varied as to kind and proportion of ingredients, within the limits established by custom and usage.

Second. Ice cream consists chiefly of a sweetened and flavored mixture of cream, or cream and milk, with or without added milk fat in the form of sound sweet butter; or as contained in condensed, evaporated, or concentrated milk, or in milk powder, and with or without added milk solids, not fat in the form of skim milk powder or as contained in milk powder, or in condensed, evaporated, or concentrated skim milk; or of a sweetened and flavored homogenized or emulsified mixture of sound sweet butter, milk powder, or skim milk powder and water, with the addition of gelatin, vegetable gums, or other wholesome stabilizer.

Third. Ice cream to be sold under said name shall not contain less than ten (10) per cent milk fat, and the content of milk fat and milk solids not fat, combined shall not be less

than eighteen (18) per cent, except that when the ingredients of ice cream include eggs, fruit or fruit juice, cake, confection, cocoa or chocolate or nuts, such reduction of the percentage of milk fat and milk solids not fat, as may be due to the addition of such ingredients, shall be allowed, but in no case shall the butter fat content be less than eight (8) per cent.

§ 8. That for the purpose of this act ice cream shall be deemed to be adulterated:

First. If in quality or grade per quart it is lower than the professed standard of quality or grade per quart under which it is sold or offered for sale.

Second. If it contains any added poisonous or other deleterious ingredients which may render such ice cream injurious to health.

Third. If it contains any rancid or renovated or process butter, or any fat or oil other than milk fat and the fat or oil of contained eggs and nuts and the fat or oil of substances used for flavoring purposes only.

Fourth. If it contains in whole or in part any filthy or decomposed substance which may render such ice cream injurious to health, or is otherwise so contaminated that such ice cream is injurious to health.

§ 9. That for the purpose of this act ice cream shall be deemed to be misbranded.

First. If the label, brand, tag, or notice under which it is sold or offered for sale is false or misleading in any particular as to the kind, grade, or quality, or composition of such ice cream; or if any notice to the purchaser required by this act to be given is omitted.

Second. If it is sold or offered for sale as the product of one manufacturer when in reality it is the product of another manufacturer; or if on the label, brand, tag, or notice under which it is sold or offered for sale there is any false statement concerning the sanitary condition under which such ice cream is manufactured.

§ 10. It shall be unlawful for any person, firm, or body corporate, by himself, herself, itself or themselves, or by his, her, its, or their agents, servants or employes, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any condensed, evaporated or concentrated milk, which shall not conform at least to the minimum standard set forth respectively in Section six hereof, and which if contained in hermetically sealed cans does not bear stamped or labeled thereon the name and address of the manufacturer or distributor thereof.

It shall be unlawful for any person, firm or body corporate by himself, herself, itself or themselves, or by his, her, its, or their agents, servants, or employes, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any milk, cream, skimmed milk, condensed, evaporated or concentrated milk, powdered, dried or dessicated milk, or ice cream, or any of the fluid derivatives of any of them, to or with which, has been added, blended, or compounded any fats or oils, other than milk fats, either under the name of said products or articles, or under any fictitious or trade names whatsoever; provided, however, that nothing in this act shall be construed to prohibit in the manufacture of ice cream, the use of fresh eggs and not exceeding one-half of one per centum of pure gelatin gum tragacanth or other vegetable gums, or the sale, exposure for sale, and having in possession with intent to sell, ice cream so manufactured.

§ 11. It shall be unlawful for any person, firm, or body corporate by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employees, to sell or exchange or expose for sale or exchange or have in possession with intent to sell or exchange any condensed, evaporated, or concentrated, powdered, dried or dessicated skimmed milk, unless each container shall bear the name and address of the manufacturer or distributor, distinctly branded, indented, labeled or printed thereon, together with the words "condensed skimmed milk," or "dried skimmed milk," or "pow-

dered skimmed milk," as the case may be in Roman letters of a size at least as large as any other words or letters appearing on said brand, indentation or label.

§ 12. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and any person so offending, whether individually or as a member of a partnership, or as a responsible agent or officer of a corporate body, who shall be convicted of such violation, either on his own behalf or in the interest of a corporate body, shall, for the first offense, be punished as provided in the first section of this act, and for the second offense, such person shall be subject to a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00), or be imprisoned in the county jail for not less than three and not more than twelve months, or be both so fined and imprisoned; and for the third or any subsequent offense, such person shall be subject to fine or imprisonment, or both, as hereinabove provided for a second offense, and, in addition thereto, shall have his, her, or its license or permit to do business revoked.

§ 13. That the term drug, as used in this act, shall include all medicines and preparations recognized in the latest revisions of the United States Pharmacopoeia or National Formulary for internal or external use, and any substance intended to be used for the cure, mitigation or prevention of diseases either of man or other animal, and shall include Paris green and all other insecticides, fungicides, disinfectants and germicides.

§ 14. That for the purpose of this act, an article of drugs shall be deemed to be adulterated:

First. If, when a drug is sold under or by the name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the tests or formula laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation. Provided, that no drug

defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box, or other container thereof, although it may differ from that made by the test or formula laid down by the United States Pharmacopoeia or National Formulary.

Second. If the strength or purity fall below the professed standard of quality under which it is sold.

Third. If in putting up any drug, medicine or preparation, proprietary or otherwise, used in medical practice, or if in making up a prescription or filling an order for drugs, medicines or prescriptions, proprietary or otherwise, one article is substituted or dispensed for a different article for or in lieu of the article prescribed, ordered and demanded, or if a greater or less quantity of any ingredient specified in such prescription, order or demand, or if it deviates from the terms of the prescription, order or demand by substituting one drug for another. Provided, that except in the case of physicians' prescriptions, nothing herein shall be deemed or construed to prevent or impair or in any manner affect the right of the druggist or pharmacist, or other person to recommend the purchase of an article other than that ordered, required or demanded, but of a similar nature, or to sell such article in lieu of an article ordered, required or demanded, with the knowledge and consent of the customer.

§ 15. For the purpose of this act, an article of drug shall be deemed to be misbranded:

First. If the package or label bears any statement, design or device regarding such article of drug or regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false, misleading or fraudulent in any particular, or if it is falsely branded as to state, territory or country in which it is manufactured or produced.

Second. If it be an imitation of or offered for sale under

the name of another article, or if it be labeled, branded, or in any manner represented or sold so as to deceive or mislead the purchaser or consumer as to the quality, purity or medicinal value.

Third. If the contents of the package as originally put up, or the contents of the package, box, bottle, phial, can or other container, sold or exposed for sale, delivered, given away, shipped or offered for shipment, shall have been removed in whole or in part, and other contents shall have been placed in such package, box, phial, can or other container, or if when a package or container has been once emptied and new contents placed therein, all original labels, marks, brands and identifying marks are not entirely removed or effaced and new labels, marks and brands truthfully describing the new product affixed. Provided, that such new contents shall not be like or similar to said original contents.

Fourth. If the package, box, bottle, phial, can or other container shall fail to bear a statement on the label, of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative, or any preparation of any such substances contained therein. Provided, that nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by a regularly licensed practicing physician, veterinary surgeon or dentist and kept on file by the dispensing pharmacist or to such as are recognized in the United States Pharmacopeia and the National Formulary, and which are sold under a name by which they are recognized; and provided, further, that this provision shall not be construed as repealing or in conflict with any statute which prohibits the sale of certain drugs except under a prescription of a physician; and provided, further, that nothing in this act shall be construed as repealing any act regulating the practice of medicine or pharmacy not in conflict herewith; provided, further, that no pre-

scription shall be knowingly refilled except for the person for whom it was written.

§ 16. It shall be the duty of the director of the Kentucky Agriculture Experiment Station, or under his direction, to make or cause to be made examinations of samples of food and drugs manufactured or on sale in Kentucky at such time and place and to such an extent as he may determine. And said director may appoint such agent or agents as he may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein any food or drug product is being produced, manufactured, prepared, kept or offered for sale, for the purpose of determining as to whether or not any of the provisions of this act are being violated, and such agent or agents upon tendering the market price of any article may take from any person, firm or corporation, a sample of any article desired for examination. Provided, any inspector or inspectors appointed by said director for the purpose of administering and carrying out the provisions of this act, insofar as it relates to drugs, shall be a registered pharmacist and a graduate of a school of pharmacy, recognized as in good standing by the Kentucky Board of Pharmacy.

The director of said Kentucky Agricultural Experiment Station is hereby empowered to adopt and fix the methods by which the samples taken under the provisions of this act shall be analyzed or examined, and to adopt and fix standards of purity, quality or strength, when such standards are necessary or are not specified or fixed herein or by statute.

Provided, that such standards shall be published for the information and guidance of the trade. Provided further, that for the purpose of uniformity, when such standards are fixed different from the legally adopted standards of the United States Department of Agriculture, the director of said station shall arrange for a conference between the proper food control representatives of the United States Department

of Agriculture and the director of said station and the representatives of the trade to be affected, for the purpose of arriving, if possible, at a uniform state and national standard. Provided further, that in the case of final dispute the validity of such standards adopted by the director of said station shall be determined by the courts under the rules of evidence. And provided further, that when the standards or nomenclature for any food or food product has been determined by the Supreme Court of the United States such standards or nomenclature shall govern in the enforcement of the provisions of this act. And provided further, that for the purpose of uniformity in determining the variations, tolerances and exemptions to be established in declaration of weight, volume or numerical count, the director shall be governed by the rules and regulations as adopted by the United States Department of Agriculture. And provided further, that the State Board of Pharmacy, shall, from time to time, upon recommendation of the director of the Kentucky Agricultural Experiment Station, fix and adopt for publication standards of strength of limits for variability permissible in any article of drug not otherwise provided for, for the governing and carrying out the provisions of this act relating to drugs.

§ 17. The examination of specimens of foods and drugs shall be made in the laboratories of the Kentucky Agricultural Experiment Station, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any such specimen is adulterated or misbranded within the meaning of this act, the director of the Kentucky Agricultural Experiment Station, or his agent, shall cause notice thereof to be given to the party or parties from whom such sample was obtained or by whom such sample was manufactured. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed by said director, and if it appears that any of the provisions of this act have been vio-

lated by such party, then the director of said station or his agent, shall certify the facts to the Commonwealth's attorney of the district, or the county attorney of the county, or the city attorney of any city or town, in which the said adulterated or misbranded food or drug product was found, together with the statement of the result of the examination of said article of food or drug, duly authenticated by the analysis under oath and taken before some officer of this Commonwealth authorized to administer an oath, having a seal. And it shall be the duty of every Commonwealth attorney, county attorney and city attorney to whom the director, or his agent, shall report any violation, to cause proceedings to be commenced against the party so violating this act, and the same prosecuted in the manner as required by law.

§ 18. Said director may issue from time to time bulletins giving the results of the inspections and of all analyses of samples taken or submitted for examination under this act, together with the names of the parties from whom the samples taken or submitted for examination under this act, together with the names of the parties from whom the samples were taken, or where the inspections were made, and as far as possible, the name of the manufacturer, the number of samples found to be adulterated, the number found not adulterated, and such other information which may be of interest to the manufacturers or dealers in food or drug products or to the consumers. Provided, however, that before such publication is made, the manufacturer of the article and the dealer from whom samples was taken, shall be furnished a true copy of the facts to be published regarding the article at least ten days before publication, and any statements of explanation of reasonable length made by such manufacturer or dealer, shall be included in the same place along with the publications made regarding the article. And provided further, that if at the hearing of the manufacturer or dealer as provided by Section 17 hereof, said manufacturer shall produce the affidavit of a competent analytical chemist controverting the

findings of said station or its director or chemist, as the case may be, and affirmatively showing that there is neither adulteration or misbranding of such articles under the provisions of this act, then there shall be no publication of either the name of the manufacturer or dealer, or the name of the brand of the article, until after a trial and verdict of guilty as herein provided. And provided further, that where prosecution is made for violation of any provision of this act, no official publication shall be made of the result of the inspection and analysis until the matter has been finally adjudicated, and in case of appeal, by the court of last resort.

§ 19. When any manufacturer shall offer any article of food or drug for sale in the State, he shall file with the director of the said station, when requested by him, the name of the brand, the name of the product, the place of its manufacture or preparation, and a true copy of all labeling used thereupon. Any manufacturer of food or drug products residing outside of the State of Kentucky, and doing business within this State, shall file the name and address of his agent in and for the State of Kentucky, upon whom legal process may be had. Failure to so file within thirty days, shall be deemed a violation and punished as provided in subsection one of this act.

§ 20. In all prosecutions under this act, the courts shall admit as evidence a guaranty which has been made to the holder of the guaranty by any manufacturer or wholesaler residing in this State, to the effect that the product complained of is not adulterated or misbranded within the provisions of this act. And said guaranty, properly signed by the wholesaler, jobber or manufacturer or other party residing within this State from whom the holder of the guaranty may have purchased the article or articles complained of, and containing the full name and address of the party or parties making the sale of such article to the holder of the guaranty, and in the absence of any proof that the article or articles complained of were adulterated or misbranded after they had been received by the holder of the guaranty, shall be a bar to prose-

cution of the holder of such guaranty under the provisions of this act.

§ 21. Be it further enacted that the sum of ($12,000) twelve thousand dollars annually be and hereby is deducted from the general fund allotted to the State Board of Health by the Budget Committee for salaries and expenses, and is hereby set aside to be used in the enforcement of this act. Such salaries and expenses as may be necessary for the proper enforcement of the provisions of this act shall be paid from said sum herein appropriated by warrant of the Auditor of Public Accounts, drawn by the Treasurer of theUniversity of Kentucky and countersigned by the Director of the Kentucky Agricultural Experiment Station and the said Treasurer shall keep proper vouchers on file in his office for all expenditures under this act.

§ 22. All acts or parts of acts in conflict with this act are hereby repealed, but this act shall not be construed to repeal chapter 48 of the Acts of the General Assembly of 1906 entitled "An Act to regulate the sale of concentrated commercial feeding stuffs, defining same and fixing penalties for violation thereof."

It is intended that this act shall be valid to the fullest extent possible and that the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of the act invalid or inoperative.

Mr. Brown offered the following Amendment, viz:

"Amend H. B. 380 by striking out entirely Sec. V, page 6."

Said Amendment was adopted.

Mr. Waggoner offered the following Amendment, viz:

"Amend H. B. 380 by striking out all of Sections 6, 10 and 11."

Mr. Richardson moved that said Amendment lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Nelson and Richardson, were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Frank J. Humbert	S. R. Powell
C. W. Bennett	R. O. Huntsman	J. L. Richardson
W. M. Boling	Lester Jeter	Arthur Saunders
Thos. Bowman	Ira Jones	David I. Scott
Chas. Chandler	Wright Kelly	George W. Smith
E. B. Cross	Oscar Leibson	Geo. F. Thompson
J. C. Day	Leon P. Lewis	H. Q. Thompson
O. A. Denton	S. H. Moore	John M. Tinsley
A. W. Dorsey	Ed. P. Murrah	N. I. Toombs
H. C. Duffy	C. D. McCaw	Chas. B. Truesdell
George W. Ellis	R. D. McMurtry	John L. Trumbo
Mrs. M. E. Flannery	Chas. A. Nelson	Geo. C. Waggoner
Dr. H. M. Fultz	Geo. W. Newman	W. T. Walker
W. L. Gossett	D. A. O'Donovan	W. G. Wheeler
J. Edgar Hadden	C. C. Oney	J. B. Wicker
Oscar P. Harvey	Brodie Payne	T. C. Willis
H. C. Hawkins	H. Walter Pierce	—50

Those who voted in the negative were—

Samuel W. Adams	J. T. Jennings	W. T. McGuire
B. C. Beckmann	S. B. Lane	James Park
J. F. Bosworth	H. R. Lawrence	Arch M. Quarles
Berl Boyd	Martin Light	Reuben E. Skaggs
John E. Brown	Rufus Lisle	Ira D. Smith
Bryce Cundiff	Harry J. Meyers	D. D. Thornberry
Bryant Green	Harry B. Miller	Garnett W. Tolin
Ed. A. Gullion	R. C. Moore	Oscar Vest
Arch L. Hamilton	B. A. Muster	—26

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 309. An Act to amend subsection (c) of section 2, chapter 90, page 415, of the Acts of the General Assembly of 1920, regulating fees for passenger automobiles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That subsection (c) of section 2, chapter 90, of the Acts of the General Assembly of 1920, be and the same is hereby amended so that same when re-enacted shall read as follows:

(c) Fees for Passenger Automobile. For each motorcycle registration fee shall be ten dollars.

Automobiles primarily designed for carrying passengers and having provisions for not more than seven passengers, including the operator, shall be classed as passenger automobiles and the annual registration fee for same shall be twenty-five cents for each horse power of the vehicle registered, to be calculated on the rating fixed by the Society of Automobile Engineers, plus forty cents on each the one hundred pounds, of said machine.

Be it further enacted that the foregoing amendment shall not become effective until the thirty-first day of December, 1922.

Be it further enacted that all laws in conflict with the foregoing amendment are hereby repealed.

Together with the Amendments offered by the Committee on Rules.

Said Committee Amendments are as follows, viz:

"Amend H. B. 309 by adding at the end of line 11 of the printed bill these words:

"The weight of any motor vehicle shall be taken as the weight, fully equipped, at which the manufacturer represents the car, and it shall be the duty of the State Tax Commission to prepare or procure a book or pamphlet showing the weight of each type and make of car sold in this State and furnish same to each county court clerk in the State. The weight of any automobile for which registration is applied which is not shown in such book or pamphlet prepared by the State Tax Commission shall be determined on a standard scale."

"Amend H. B. 309 by striking out the word "thirty-first" in line 13 of the printed bill, and substitute in lieu thereof the word "second."

Said Amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. Bowman	J. C. Day
R. M. Amos	Berl Boyd	O. A. Denton
B. C. Beckmann	Sam A. Carv	A. W. Dorsey
C. W. Bennett	Chas. Chandler	H. C. Duffy
J. E. Bickett	Lee Clark	George W. Ellis
W. M. Boling	E. B. Cross	Dr. H. M. Fultz
J. F. Bosworth	Bryce Cundiff	Bryant Green

Ed. A. Gullion	R. C. Moore	Reuben E. Skaggs
J. Edgar Hadden	S. H. Moore	George W. Smith
Oscar P. Harvey	Ed. P. Murrah	Ira D. Smith
H. C. Hawkins	B. A. Muster	H. V. Thompson
Frank J. Humbert	C. D. McCaw	Geo. F. Thompson
R. O. Huntsman	W. T. McGuire	D. D. Thornberry
Lester Jeter	E. E. Nelson	John M. Tinsley
Ira Jones	Chas. A. Nelson	N. I. Toombs
Wright Kelly	D. A. O'Donovan	Chas. B. Truesdell
H. R. Lawrence	C. C. Orney	John L. Trumbo
Oscar Leibson	James Park	Fred C. Vanhoose
Leon P. Lewis	H. Walter Pierce	Oscar Vest
Martin Light	S. R. Powell	Geo. C. Waggoner
Rufus Lisle	Arch M. Quarles	W. T. Walker
C. C. May	R. I. Rice	W. S. Wallen
Harry J. Meyers	J. L. Richardson	W. D. Watkins
Harry B. Miller	Arthur Saunders	J. B. Wicker
Claude D. Minor	David I. Scott	—74

Resolved that the title thereof be as aforesaid.

Mr. Trumbo moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 10. An Act to repeal section 1938, subsec. A-5, Chapter 57, Carroll's 1915 Edition, Kentucky Statutes, Vol. 3, relating to the hunting and killing of rabbits.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nineteen hundred and thirty-eight,

subsection a-5, chapter fifty-seven, Carroll's nineteen hundred and fifteen edition Kentucky Statutes, volume three, nineteen hundred and eighteen supplement providing that "No person shall between the first day of January and the fourteenth day of November, both days inclusive, in any year, catch, kill, injure or pursue with such intent, any rabbit; provided, however, any one may catch rabbits with dogs, or in traps, upon their own property for their own use but said rabbits or parts thereof, cannot be bartered or traded, or offered or exposed for sale, barter or trade, between the dates above mentioned," be and the same is hereby repealed.

Mr. Boyd offered the following Amendment by way of Substitute therefor, viz:

"An Act adding subsection 5-a to section 5, Chapter 122, Acts 1920, empowering the Game and Fish Commission to declare an open season on animals and birds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Game and Fish Commission shall upon the recommendation of a majority of the members of the fiscal court of any county and the game warden in whose district the county is located declare an open season of from 30 to 90 days —other than the open season on animals and birds as now provided by law when such animals or birds have become so numerous as to constitute a menace to growing crops, provided, however that said animals or birds or parts thereof killed or taken during the open season as provided for in this section cannot be bartered or traded or offered or exposed for sale, barter or trade.

Nothing in the above section shall be construed to allow the killing or taking of game birds or animals out of season."

Said Substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Lester Jeter	R. I. Rice
C. W. Bennett	Ira Jones	Arthur Saunders
J. E. Bickett	H. R. Lawrence	Lee L. Simons
W. M. Boling	Leon P. Lewis	Reuben E. Skaggs
J. F. Bosworth	Rufus Lisle	George W. Smith
Berl Boyd	C. C. May	Geo. F. Thompson
Lee Clark	Harry J. Meyers	H. Q. Thompson
Bryce Cundiff	Harry B. Miller	Garnett W. Tolin
O. A. Denton	Claude D. Minor	N. I. Toombs
A. W. Dorsey	R. C. Moore	Fred C. Vanhoose
George W. Ellis	B. A. Muster	W. T. Walker
Dr. H. M. Fultz	C. D. McCaw	W. S. Wallen
Bryant Green	W. T. McGuire	W. D. Watkins
Ed. A. Gullion	Chas. A. Nelson	W. G. Wheeler
J. Edgar Hadden	C. C. Oney	J. B. Wicker
H. C. Hawkins	H. Walter Pierce	T. C. Willis
R. O. Huntsman		—49

Those who voted in the negative were—

R. M. Amos	Wright Kelly	Geo. W. Newman
Thos. Bowman	Martin Light	D. A. O'Donovan
Chas. Chandler	S. H. Moore	James Park
E. B. Cross	Ed. P. Murrah	S. R. Powell
J. C. Day	R. D. McMurtry	Arch M. Quarles
Mrs. M. E. Flannery	E. E. Nelson	John M. Tinsley
W. L. Gossett		—19

Resolved that the title thereof be as aforesaid.

Mr. Boyd moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill entitled:

S. B. 270. An Act to amend an Act relating to roads and bridges, creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said Department; prescribing laws governing said Department and the officers therein; accepting the provision of the Federal law providing that the United States shall assist in the construction of rural post roads, and making appropriation for co-operative work with the United States; providing for the payment of the State's part of the construction of State Aid Roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing subsections 1, 2, 4, 5, 6 and 7 of section 4356t, Kentucky Statutes, Edition 1915; also repealing section 4356u and subsections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,.20, 21, 23, 24, 25, of section 4356x, Kentucky Statutes, Edition 1915, and the Supplement to said Edition known as Volume 3 and repealing any other Act or Acts in conflict therewith.

Ordered that said bill be printed and referred to Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a Resolution entitled:

H. Res. 14. Resolution in favor of Bryce Cundiff and Jas. H. Johnson.

Said Resolution is as follows, viz:

Resolution in favor of Bryce Cundiff and Jas. H. Johnson.

Whereas, Bryce Cundiff instituted a contest in this House against Jas. H. Johnson contesting the seat of said Johnson as Representative from the 79th Legislative District of Kentucky, said district being composed of Breathitt and Lee counties; and

Whereas, the contest having been determined by the House of Representatives in favor of said Bryce Cundiff, and it has heretofore been adjudged that the said Cundiff was duly elected Representative from the 79th Legislative District; and,

Whereas, in prosecuting and defending the said contest said parties have expended considerable sums of money in taking depositions, summoning witnesses and paying their attendants and in retesting and transcribing said testimony and in the employment of attorneys to conduct said contest and defend the same and in traveling expenses and hotel bills, stenographic service and other miscellaneous expenses; and,

Whereas, it appearing that in prosecuting said contest the contestant, Bryce Cundiff, has expended sums of money in following amounts, to-wit:

Examiners' fees		$78.60	
7 days at $3.00	$21.00		
192 pages at 30c	57.60		
Witness fees 24 at $1.00 per day		24.00	
Sheriff's service fees		2.35	
Certified exhibits		15.70	
Stenographic service		16.00	
(No personal expense added.)			
		$136.65	$136.65
Attorneys' expenses:			
Stenographic service		$15.00	
Ry. fare 3 trips to Frankfort		21.40	
Hotel bills		38.00	
H. L. Spencer, Asst. Attorney to take depositions for one week, cross-examining		100.00	
		$174.40	$174.40
Ryland C. Musick, attorney's fee:			
Preparing contest notice 3 days, taking depositions 2 weeks, 3 trips to Frankfort, 2 weeks (practically 5 weeks' and 3 days' time)			$750.00
Total			$1,061.05

The stenographic service rendered this committee being included in above taxation; and,

Whereas, in defending said contest the contestee, Jas. H. Johnson, has expended divers sums of money in the following amounts, to-wit:

Witness fees for contestee	$32.32
Personal expense of contestee in taking depositions for eleven days	12.00
Copies of exhibits filed for contestee	11.20
Examiner taking depositions for contestee for five days at $3.00 a day	15.00

To transcribing 170 pages of contestee's evidence and copies of same	68.00
To attending taking of depositions for contestant six days at $3.00 a day	18.00
To transcribing 105 pages of contestant's evidence which was taken at the time contestee was taking his evidence, immediate copy being necessary for rebuttal taking	42.00
Walter S. Hogg, attorney was engaged for 11 days taking depositions and two weeks in Frankfort attending and waiting for committee to act; Chester Gourly, attorney, was engaged six days in taking depositions and one one day before committee	750.00
(That attorney's fee include that of John D. Carroll for services before committee; also railroad fare and hotel bill of Mr. Hogg and Mr. Gourly.)	
Total	$948.52

and,

Whereas, it appears that the contestant and contestee were engaged in the taking of depositions almost continuously for two weeks and this contest has been pending in the House of Representatives for four weeks and there have been numerous hearings of the same before the committee selected to try and determine said contest at great expense to said litigants, and it was necessary to the rights of the parties to have present at said hearings lawyers of ability and experience to present and argue before the committee the many technical questions involving sections of the statutes and Constitution of the State, and the record in said case being one of the largest records ever presented in a contest case in the General Assembly, and said case having presented any technical and legal questions requiring considerable study, preparation and attention, and said contestee and contestant having been required and compelled to pay out

and meet for said purposes many additional expenses not included and which could not be properly included in the above taxation of cost, and it appearing that the expenditures hereinabove enumerated by said parties are reasonable under all of the circumstances and are proper for the services rendered; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $1,061.05, being the total cost, expenses and attorneys' fees of the said Bryce Cundiff, above mentioned, be and it is hereby allowed to the said Bryce Cundiff; and that the sum of $948.52, being the attorneys' fees, costs and expenses of the said Jas. H. Johnson, as above mentioned, be and it is hereby allowed to the said Jas. H. Johnson, and all of said sums above mentioned being allowed on account of said contest and as being just, reasonable and proper under the circumstances thereof.

Be it further resolved, that the Auditor of Public Accounts of the Commonwealth of Kentucky, be and he is hereby directed to draw his warrant on the State Treasurer, for the sum of $1,061.05 in favor of the said Bryce Cundiff; and for the sum of $948.52 in favor of Jas. H. Johnson.

H. C. DUFFY,
ARTHUR SAUNDERS,
J. C. DAY,
IRA D. SMITH,
THOS. O. HOLDER,
ED. P. MURRAH,
H. V. THOMPSON,
MARY ELLIOTT FLANNERY,
CLAUDE D. MINOR,
Contest Committee drawn by the House to hear said contest.

Together with a Committee Amendment thereto.

Said Committee Amendment is as follows, viz:

"Amend H. Res. 14 by striking out item $100.00 on page 2 and striking out item $174.40 on page 2 and inserting in lieu thereof $74.40. Also by striking out item $750.00 on page 2 and insert in lieu thereof $500.00 and strike out item $1,061.05 on page 2 and insert in lieu thereof $711.05 also by striking out item $750.00 on page 3 and insert in lieu thereof $500.00 and strike out item $984.52 on page 3 and insert in lieu thereof $698.52."

Said amendment was agreed to.

Ordered that said Resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Sam A. Cary	J. Edgar Hadden
R. M. Amos	J. C. Day	Arch L. Hamilton
B. C. Beckmann	A. W. Dorsey	Oscar P. Harvey
C. W. Bennett	H. C. Duffy	H. C. Hawkins
J. E. Bickett	George W. Ellis	R. O. Huntsman
W. M. Boling	Mrs. M. E. Flannery	J. T. Jennings
Thos. Bowman	W. L. Gossett	Lester Jeter
Berl Boyd	Bryant Green	Ira Jones
John E. Brown	Ed. A. Gullion	S. B. Lane

H. R. Lawrence	Geo. W. Newman	Geo. F. Thompson
Martin Light	D. A. O'Donovan	H. Q. Thompson
Rufus Lisle	C. C. Oney	D. D. Thornberry
Harry J. Meyers	H. Walter Pierce	Garnett W. Tolin
Harry B. Miller	R. I. Rice	N. I. Toombs
Claude D. Minor	Arthur Saunders	Chas. B. Truesdell
R. C. Moore	David I. Scott	Fred C. Vanhoose
S. H. Moore	Lee L. Simons	W. T. Walker
Ed. P. Murrah	George W. Smith	W. S. Wallen
B. A. Muster	Ira D. Smith	W. D. Watkins
W. T. McGuire	Frank L. Strange	J. B. Wicker
E. E. Nelson	H. V. Thompson	T. C. Willis
Chas. A. Nelson		

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Those who voted in the negative were—

E. B. Cross	R. D. McMurtry	John M. Tinsley
Dr. H. M. Fultz		

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Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 83. An Act relating to the recording of discharge papers of soldiers, sailors, marines and all persons discharged from the army, navy or aerial forces of the United States; making such papers recordable instruments; providing place of recordation and purposes for which copies may be used; and making valid such as have heretofore been recorded.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That all papers constituting a discharge of any soldier, sailor, marine or other officer, agent or employe of the United States Army or Navy or other Military or Naval establishment, which are given, executed or delivered to such soldier, sailor, marine, or other officer, agent or employe, evidencing his discharge from the service of the United States and which shows the unit or part of such department to which such person was attached and from which he was discharged, are hereby declared to be recordable instruments and may be recorded by the County Court Clerk of the county in which the person so discharged is a resident, and upon presentation of such discharge papers it is the duty of the County Court Clerk to record the same. No charge may be made by the clerk for recording such discharge.

Section 2. In any proceeding in the courts of this state in which such discharge paper may come in question and in which it could be used as legal evidence of any fact, it shall be competent as evidence in any and all such proceedings to use an attested or certified copy of such discharge.

Section 3. Any such discharges as may have heretofore been recorded in substantial compliance with the provisions of this act are hereby declared valid to the same extent and for the same purposes as if they had been recorded under the provisions of this act.

Together with a Committee Amendment thereto.

Said Committee Amendment is as follows, viz:

Amend Sec. 4. The County Court book shall provide a suitable record book for such registrations.

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	H. C. Hawkins	S. R. Powell
R. M. Amos	R. O. Huntsman	R. I. Rice
B. C. Beckmann	Lester Jeter	Arthur Saunders
C. W. Bennett	S. B. Lane	David I. Scott
J. E. Bickett	H. R. Lawrence	Ira D. Smith
W. M. Boling	Leon P. Lewis	Frank L. Strange
Berl Boyd	Martin Light	Geo. F. Thompson
Sam A. Cary	C. C. May	H. Q. Thompson
Lee Clark	Harry J. Meyers	D. D. Thornberry
E. B. Cross	Harry B. Miller	John M. Tinsley
Bryce Cundiff	Claude D. Minor	N. I. Toombs
A. W. Dorsey	S. H. Moore	Chas. B. Truesdell
George W. Ellis	Ed. P. Murrah	Oscar Vest
Mrs. M. E. Flannery	B. A. Muster	Geo. C. Waggoner
Bryant Green	W. T. McGuire	W. T. Walker
Ed. A. Gullion	E. E. Nelson	W. S. Wallen
Arch L. Hamilton	Chas. A. Nelson	J. B. Wicker
Oscar P. Harvey	Geo. W. Newman	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Rules Committee the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 335. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920, as approved by the Governor March 16, 1920, relating to roads and bridges and creating Department of State Roads, Highways, etc., by designating Lebanon, Kentucky, one of the centers of construction in the primary system of State Highways designated in said Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 9 of said act be amended and changed so as to include the word "Lebanon," so that said section when amended will read as follows:

"The following cities and towns in the State are hereby declared centers of construction in the primary system of State highways heretofore laid out and designated, viz:

Ashland, Bardstown, Beattyville, Bowling Green, Danville, Fenton, Covington, Cynthiana, Lancaster, Frankfort, Glasgow, Harlan, Hazard, Guthrie, Hopkinsville, Lexington, London, Louisville, Madisonville, Maysville, Morehead, Owensboro, Pikeville, Pineville, Paducah, Leitchfield, Elizabethtown, Richmond, Irvine, Russellville, Somerset, Vanceburg, West Liberty, Williamstown, Marion, Henderson, Eddyville, Campbellsburg, Middlesboro, Winchester, Falmouth, Central City, Newport, Albany, Greenup, Mt. Sterling, Greensburg, Mayfield, Fulton, Bardwell and Lebanon."

Mr. Fultz offered the following Amendment, viz:

"Amend by adding at the end of said bill the words, "Grayson, Carter County."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Ira Jones	Arthur Saunders
R. M. Amos	Wright Kelly	David I. Scott
B. C. Beckmann	S. B. Lane	Lee L. Simons
J. E. Bickett	H. R. Lawrence	Reuben E. Skaggs
W. M. Boling	Oscar Leibson	Frank L. Strange
J. F. Bosworth	Leon P. Lewis	H. V. Thompson
Thos. Bowman	Martin Light	Geo. F. Thompson
Berl Boyd	Rufus Lisle	H. Q. Thompson
Sam A. Cary	C. C. May	D. D. Thornberry
Chas. Chandler	Harry J. Meyers	John M. Tinsley
Lee Clark	Harry B. Miller	Garnett W. Tolin
E. B. Cross	R. C. Moore	N. I. Toombs
Bryce Cundiff	S. H. Moore	Chas. B. Truesdell
J. C. Day	Ed. P. Murrah	John L. Trumbo
A. W. Dorsey	B. A. Muster	Fred C. Vanhoose
George W. Ellis	W. T. McGuire	Oscar Vest
Mrs. M. E. Flannery	R. D. McMurtry	W. T. Walker
Dr. H. M. Fultz	E. E. Nelson	W. S. Wallen
Bryant Green	Chas. A. Nelson	W. G. Wheeler
Ed. A. Gullion	D. A. O'Donovan	J. B. Wicker
H. C. Hawkins	C. C. Oney	T. C. Willis
Thos. O. Holder	James Park	—65

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 297. An Act repealing Section 165a, Kentucky Statutes, 1915, and re-enacting the same, relating to Banks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sub-section 6 of Section 165a, Kentucky Statutes, 1915 Edition, be and the same is hereby repealed, and the following is re-enacted in lieu thereof, and that same when so re-enacted shall read as follows: The Banking Commissioner appointed under this Act shall appoint six competent, suitable persons as State Bank Examiners, the term of office of three of whom shall be for two years from July 1, 1922, and the term of office for the remaining three shall be for four years from said date. Thereafter the Banking Commissioner shall biennially and during the month of June appoint three State Bank Examiners as successors to the examiners whose term of office of every State Bank Examiner so thereafter appointed shall be for four years, and shall begin on the first day of July succeeding his appointment. Appointment to fill vacancies shall be for the unexpired term only. Each State Bank Examiner shall receive an annual salary of two thousand ($2,000) dollars, payable monthly out of the State Treasury, and shall be paid his necessary traveling expenses

monthly, on properly itemized and verified accounts, rendered to the Banking Commissioner and approved by him and by the Auditor of the State of Kentucky. The Bank Examiners are authorized and empowered to examine Building and Loan Associations or any other institutions coming under the supervision of the Banking Department, and the Building and Loan Clerk and Examiner, as now provided for by law, are authorized and empowered to examine banks and other institutions coming under the supervision of the Department of Banking. The Banking Commissioner, when he deems it necessary, may temporarily employ other assistance in the examination of any bank.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Dr. H. M. Fultz	C. C. May
B. C. Beckmann	Bryant Green	Harry J. Meyers
C. W. Bennett	Ed. A. Gullion	Harry B. Miller
J. E. Bickett	J. Edgar Hadden	Claude D. Minor
Thos. Bowman	Oscar P. Harvey	B. A. Muster
Berl Boyd	H. C. Hawkins	C. D. McCaw
Sam A. Cary	Frank J. Humbert	W. T. McGuire
E. B. Cross	Lester Jeter	E. E. Nelson
Bryce Cundiff	Ira Jones	Chas. A. Nelson
O. A. Denton	S. B. Lane	D. A. O'Donovan
A. W. Dorsey	H. R. Lawrence	C. C. Oney
George W. Ellis	Leon P. Lewis	Brodie Payne
Mrs. M. E. Flannery	Rufus Lisle	H. Walter Pierce

S. R. Powell	Geo. F. Thompson	Oscar Vest
R. I. Rice	D. D. Thornberry	Geo. C. Waggoner
Arthur Saunders	John M. Tinsley	W. T. Walker
David I. Scott	Garnett W. Tolin	W. S. Wallen
Lee L. Simons	N. I. Toombs	J. B. Wicker
Ira D. Smith	Chas. B. Truesdell	T. C. Willis
H. V. Thompson	John L. Trumbo	

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Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 226. An Act to amend Chapter 17 of the Acts of 1920 approved March 16, 1920, relating to roads and bridges creating the Department of State Roads and Highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Project 47A from Olive Hill to Fullerton via Armstrong, Carter and Kehoe.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	C. C. Oney
R. M. Amos	Frank J. Humbert	James Park
B. C. Beckmann	R. O. Huntsman	Brodie Payne
C. W. Bennett	J. T. Jennings	S. R. Powell
J. E. Bickett	Lester Jeter	Arch M. Quarles
W. M. Boling	Ira Jones	Arthur Saunders
Thos. Bowman	Wright Kelly	David I. Scott
Berl Boyd	S. B. Lane	Lee L. Simons
Sam A. Cary	H. R. Lawrence	Reuben E. Skaggs
Chas. Chandler	Oscar Leibson	Ira D. Smith
F. B. Cross	Leon P. Lewis	Frank L. Strange
Bryce Cundiff	Martin Light	H. Q. Thompson
O. A. Denton	Harry J. Meyers	D. D. Thornberry
A. W. Dorsey	Harry B. Miller	John M. Tinsley
George W. Ellis	R. C. Moore	N. I. Toombs
Mrs. M. E. Flannery	S. H. Moore	Chas. B. Truesdell
Dr. H. M. Fultz	Ed. P. Murrah	Fred C. Vanhoose
W. L. Gossett	C. D. McCaw	Geo. C. Waggoner
Bryant Green	W. T. McGuire	W. T. Walker
Ed. A. Gullion	E. E. Nelson	W. S. Wallen
J. Edgar Hadden	Chas. A. Nelson	W. D. Watkins
Oscar P. Harvey	Geo. W. Newman	J. B. Wicker
H. C. Hawkins	D. A. O'Donovan	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

H. B. 140. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920 as approved by the Governor March 16, 1920, relating to roads and bridges and creating Department of State Roads, Highways, etc.

By changing the routing of that portion of the State Highway system as named in said Act in project No. 22 which reads "from Lawrenceburg to the Kentucky and Tennessee State Line at Isham, Tennessee, via Harrodsburg, Danville, Stanford, Somerset, Whitley City and Stephen's Mill."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of said act as affects project No. 22 as recited above, shall be amended and changed so as to read as follows: From Lawrenceburg to the Kentucky and Tennessee State Line at Isham, Tennessee, via Harrodsburg, Danville, Stanford, Somerset, Burnside, Whitley City and Pine Knott, Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Frank J. Humbert	James Park
R. M. Amos	R. O. Huntsman	Brodie Payne
B. C. Beckmann	J. T. Jennings	S. R. Powell
C. W. Bennett	Lester Jeter	Arch M. Quarles
J. E. Bickett	Ira Jones	R. I. Rice
W. M. Boling	Wright Kelly	Arthur Saunders
Thos. Bowman	S. B. Lane	David I. Scott
Berl Boyd	H. R. Lawrence	Lee L. Simons
Sam A. Cary	Oscar Leibson	Reuben E. Skaggs
Chas. Chandler	Martin Light	Ira D. Smith
E. B. Cross	C. C. May	Frank L. Strange
Bryce Cundiff	Harry J. Meyers	H. V. Thompson
J. C. Day	R. C. Moore	Geo. F. Thompson
O. A. Denton	S. H. Moore	D. D. Thornberry
A. W. Dorsey	Ed. P. Murrah	John M. Tinsley
George W. Ellis	B. A. Muster	N. I. Toombs
Mrs. M. E. Flannery	W. T. McGuire	Chas. B. Truesdell
Dr. H. M. Fultz	R. D. McMurtry	Fred C. Vanhoose
Bryant Green	E. E. Nelson	W. T. Walker
J. Edgar Hadden	Chas. A. Nelson	W. S. Wallen
Arch L. Hamilton	Geo. W. Newman	W. D. Watkins
Oscar P. Harvey	D. A. O'Donovan	W. G. Wheeler
H. C. Hawkins	C. C. Oney	J. B. Wicker

—69

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 70. An Act establishing a road running from Barbourville, Knox County, Kentucky, via London, via Williamsburg, via Bond-Jellico, via Jellico Creek, via Cross Roads, to Pine Knot, in McCreary County, as a State Primary Road, and designating said road as Project No. 22A.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Project 22A—From Barboursville to Pine Knott, via Loudan, Gatlif, Verne, Williamsburg, Bond, Jellico Creek and Cross Roads.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Chas. Chandler	Dr. H. M. Fultz
R. M. Amos	E. B. Cross	J. Edgar Hadden
B. C. Beckmann	Bryce Cundiff	Arch L. Hamilton
J. E. Bickett	O. A. Denton	Oscar P. Harvey
W. M. Boling	A. W. Dorsey	H. C. Hawkins
Thos. Bowman	George W. Ellis	Frank J. Humbert
Sam A. Cary	Mrs. M. E. Flannery	R. O. Huntsman

Ira Jones	Chas. A. Nelson	H. V. Thompson
Wright Kelly	D. A. O'Donovan	Geo. F. Thompson
S. B. Lane	C. C. Oney	John M. Tinsley
H. R. Lawrence	James Park	N. I. Toombs
Leon P. Lewis	Brodie Payne	Chas. B. Truesdell
Martin Light	S. R. Powell	John L. Trumbo
Harry J. Meyers	Arch M. Quarles	W. T. Walker
R. C. Moore	Arthur Saunders	W. S. Wallen
S. H. Moore	David I. Scott	W. D. Watkins
Ed. P. Murrah	Reuben E. Skaggs	W. G. Wheeler
B. A. Muster	George W. Smith	J. B. Wicker
R. D. McMurtry	Ira D. Smith	T. C. Willis
E. E. Nelson	Frank L. Strange	—59

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 238. An Act to amend an Act of the General Assembly approved March 16, 1920, and known as Chapter 17 of the bound volume of the Acts of 1920, which Act among other things establishes and designates a primary system of State Highways and provides for their construction and maintenance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an Act of the General Assembly approved March 16th, 1920, and known as Chapter 17 of the bound volume of

the Acts of 1920, which Act among other things establishes a primary system of State Highways and provides for their construction and maintenance, be amended by striking from the last sentence in Project No. 15 of Section 5 of said Act the words "Warren County line" and inserting in lieu thereof the words "Southern corporate limits of the City of Bowling Green in Warren County," so that said Project No. 15 when so amended shall read as follows, to-wit:

"Project No. 15. From Central City to Kentucky-Tennessee State line, at Geddes, via Cleaton, Bevier, Drakesboro, Lewisburg, Russellville and Franklin. To extend to the Southern corporate limits of the City of Bowling Green, in Warren County, from Franklin, Simpson County, Ky."

This act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	J. C. Day	H. R. Lawrence
B. C. Beckmann	A. W. Dorsey	Martin Light
J. E. Bickett	Mrs. M. E. Flannery	C. C. May
W. M. Boling	Dr. H. M. Fultz	Harry J. Meyers
Thos. Bowman	Bryant Green	S. H. Moore
Berl Boyd	Ed. A. Gullion	Ed. P. Murrah
John E. Brown	Oscar P. Harvey	B. A. Muster
Sam A. Cary	H. C. Hawkins	W. T. McGuire
Lee Clark	Frank J. Humbert	Chas. A. Nelson
E. B. Cross	Ira Jones	D. A. O'Donovan
Bryce Cundiff	Wright Kelly	C. C. Oney

James Park	Geo. F. Thompson	Oscar Vest
Brodie Payne	H. Q. Thompson	W. T. Walker
S. R. Powell	D. D. Thornberry	W. S. Wallen
R. I. Rice	John M. Tinsley	W. D. Watkins
Arthur Saunders	Garnett W. Tolin	W. G. Wheeler
David I. Scott	N. I. Toombs	J. B. Wicker
Lee L. Simons	Chas. B. Truesdell	T. C. Willis
Frank L. Strange	John L. Trumbo	
H. V. Thompson	Fred C. Vanhoose	—58

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 205. An Act relating to public roads and highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That there be and now is established as one of the primary road projects of the Commonwealth of Kentucky the following, to-wit:

"From Elizabethtown to Bardstown."

(2) The above project or any part of the primary system of highways in this Commonwealth shall be known as Project 41a of the primary system of highways in the Commonwealth adopted and established by and in Chapter 17 of the Acts of the General Assembly of 1920, and shall receive

and be entitled to all the benefits allowed and provided for in said Chapter 17 of the Acts of the General Assembly of 1920.

(3) All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. Edgar Hadden	Brodie Payne
R. M. Amos	H. C. Hawkins	Arch M. Quarles
B. C. Beckmann	Frank J. Humbert	R. I. Rice
J. E. Bickett	Ira Jones	Arthur Saunders
W. M. Boling	Wright Kelly	David I. Scott
J. F. Bosworth	H. R. Lawrence	Reuben E. Skaggs
Thos. Bowman	Leon P. Lewis	Frank L. Strange
Berl Boyd	Martin Light	H. V. Thompson
Sam A. Cary	C. C. May	D. D. Thornberry
Lee Clark	Harry J. Meyers	John M. Tinsley
E. B. Cross	S. H. Moore	N. I. Toombs
Bryce Cundiff	Ed. P. Murrah	Chas. B. Truesdell
J. C. Day	B. A. Muster	Fred C. Vanhoose
O. A. Denton	W. T. McGuire	Oscar Vest
A. W. Dorsey	R. D. McMurtry	W. T. Walker
George W. Ellis	E. E. Nelson	W. S. Wallen
Mrs. M. E. Flannery	Chas. A. Nelson	W. D. Watkins
Dr. H. M. Fultz	D. A. O'Donovan	W. G. Wheeler
Bryant Green	C. C. Oney	J. B. Wicker
Ed. A. Gullion	James Park	—59

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 310. An Act to amend project 37 of Section five, of Chapter 17, of the Acts of 1920, entitled: "An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department; prescribing laws governing said department and the officers thereof; accepting the provisions of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for co-operative work with the United States Government; providing for the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their maintenance and construction; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing subsection 1, 2, 4, 5, 6 and 7 of section 4356t, Kentucky Statutes, Edition 1915, also repealing section 4356u, and subsections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24 and 25 of Section 4356x, Kentucky Statutes, Edition 1915, and the supplement to said edition known as Vol. 3 repealing any other act or acts in conflict herewith.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Project 37, of Section five, of Chapter 17, of the Acts of 1920, entitled: An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department; prescribing laws governing said department and the officers therein; accepting the provisions of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for co-operative work with the United States Government; providing for the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing Subsections 1, 2, 4, 5, 6 and 7, of Section 4356t, Kentucky Statutes, Edition 1915; also repealing Section 4356u, and Subsections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, and 25 of Section 4356x, Kentucky Statutes Edition 1915, and the supplement to said edition known as Vol. 3, repealing any other act or acts in conflict herewith, be, and the same is, hereby amended by inserting after the word Tompkinsville in said project the words: To extend from Tompkinsville to the Kentucky-Tennessee State line, near Boles via Hestand, so that when said project is amended it will read as follows: Project No. 37—From Bowling Green to Willow Shade via Scottsville and Tompkinsville, to extend from Tompkinsville to the Kentucky-Tennessee State line, near Boles via Hestand.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	Brodie Payne
R. M. Amos	H. C. Hawkins	S. R. Powell
B. C. Beckmann	Thos. O. Holder	R. I. Rice
J. E. Bickett	R. O. Huntsman	Arthur Saunders
W. M. Boling	Ira Jones	David I. Scott
J. F. Bosworth	Wright Kelly	Lee L. Simons
Thos. Bowman	S. B. Lane	Reuben E. Skaggs
Berl Boyd	H. R. Lawrence	George W. Smith
John E. Brown	Oscar Leibson	Frank L. Strange
Sam A. Cary	Leon P. Lewis	H. V. Thompson
Chas. Chandler	Martin Light	Geo. F. Thompson
Lee Clark	Rufus Lisle	John M. Tinsley
E. B. Cross	C. C. May	N. I. Toombs
O. A. Denton	Harry J. Meyers	Chas. B. Truesdell
A. W. Dorsey	S. H. Moore	John L. Trumbo
George W. Ellis	W. T. McGuire	Fred C. Vanhoose
Mrs. M. E. Flannery	R. D. McMurtry	W. T. Walker
Dr. H. M. Fultz	E. E. Nelson	W. S. Wallen
Bryant Green	Chas. A. Nelson	W. D. Watkins
Ed. A. Gullion	D. A. O'Donovan	W. G. Wheeler
J. Edgar Hadden	C. C. Oney	J. B. Wicker
Arch L. Hamilton	James Park	T. C. Willis

—66

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 291. An Act to amend an Act entitled: "An Act relating to roads and bridges and known as chapter 17 of the laws of Kentucky for the year 1920."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 5 of Chapter 17 of the laws of Kentucky for the year 1920, Project No. 8 thereof be amended by adding thereto the following Project No. 8a: "Beginning at Garret through Ekron, Pleasant Grove, Payneville, Andyville, Concordia, Rhodelia and connecting with the main artery at Cloverport."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	W. M. Boling	Chas. Chandler
R. M. Amos	J. F. Bosworth	Lee Clark
B. C. Beckmann	Thos. Bowman	E. B. Cross
J. E. Bickett	Berl Boyd	Bryce Cundiff

J. C. Day	Rufus Lisle	George W. Smith
O. A. Denton	C. C. May	Frank L. Strange
A. W. Dorsey	Harry J. Meyers	H. V. Thompson
George W. Ellis	Harry B. Miller	Geo. F. Thompson
Mrs. M. E. Flannery	R. C. Moore	H. Q. Thompson
Dr. H. M. Fultz	S. H. Moore	D. D. Thornberry
Bryant Green	Ed. P. Murrah	John M. Tinsley
Ed. A. Gullion	B. A. Muster	Garnett W. Tolin
Arch L. Hamilton	W. T. McGuire	N. I. Toombs
Oscar P. Harvey	R. D. McMurtry	Chas. B. Truesdell
H. C. Hawkins	E. E. Nelson	John L. Trumbo
Thos. O. Holder	Chas. A. Nelson	Fred C. Vanhoose
Ira Jones	D. A. O'Donovan	Oscar Vest
Wright Kelly	C. C. Oney	W. T. Walker
S. B. Lane	S. R. Powell	W. S. Wallen
H. R. Lawrence	R. I. Rice	W. G. Wheeler
Oscar Leibson	Arthur Saunders	J. B. Wicker
Leon P. Lewis	David I. Scott	T. C. Willis
Martin Light	Reuben E. Skaggs	—68

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 222. An Act to amend and re-enact project No. 11 of section 5 of an Act entitled: "An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department; prescribing laws governing said department and the officers

therein; accepting the provision of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriations for cooperative work with the United States Government; providing for the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State Highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence, etc."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That project No. 11 of Section 5, of Chapter 17 of the Acts of 1920 be and it is hereby amended and re-enacted, by adding thereto the name "Horse Cave" immediately following the name "Bear Wallow" and immediately preceding the name "Munfordsville," so that said project when amended and re-enacted shall read as follows:

Project No. 11—From Owensboro to Tiptop, via Hartford, Pleasant Ridge, Morgantown, Bowling Green, Cave City, Bear Wallow, Horse Cave, Munfordsville and Elizabethtown.

(2) All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	C. C. Oney
R. M. Amos	H. C. Hawkins	Brodie Payne
B. C. Beckmann	Thos. O. Holder	S. R. Powell
J. E. Bickett	Ira Jones	R. I. Rice
W. M. Boling	S. B. Lane	Arthur Saunders
Thos. Bowman	H. R. Lawrence	David I. Scott
Berl Boyd	Leon P. Lewis	Frank L. Strange
Sam A. Cary	Martin Light	D. D. Thornberry
Chas. Chandler	Rufus Lisle	John M. Tinsley
Lee Clark	C. C. May	Garnett W. Tolin
E. B. Cross	Harry J. Meyers	N. I. Toombs
Bryce Cundiff	Harry B. Miller	Chas. B. Truesdell
O. A. Denton	R. C. Moore	John L. Trumbo
A. W. Dorsey	S. H. Moore	Fred C. Vanhoose
George W. Ellis	Ed. P. Murrah	W. T. Walker
Mrs. M. E. Flannery	B. A. Muster	W. S. Wallen
Dr. H. M. Fultz	W. T. McGuire	W. G. Wheeler
Bryant Green	E. E. Nelson	J. B. Wicker
Ed. A. Gullion	Chas. A. Nelson	T. C. Willis
Arch L. Hamilton	D. A. O'Donovan	—59

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 209. An Act to amend and re-enact section 5, chapter 17, of the Acts of the General Assembly of 1920.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section five of Chapter seventeen of the Acts of the General Assembly of 1920 be and the same is hereby amended and re-enacted so that said Section when so amended and re-enacted shall read as follows:

A primary system of State highways is hereby established which will give to each county in the State at least one main throughfare and the roads thus established as a system of primary roads shall be as follows:

Project No. 1.—From Wickliffe to Springfield, via Bardwell, Mayfield, Benton, Eggner's Ferry, Fenton, Cadiz, Gracey, Hopkinsville, Elkton, Russellville, Bowling Green, Glasgow, Edmonton, Greensburg, Campbellville and Lebanon.

Project No. 2.—From Henderson to Guthrie, via Dixon, Madisonville, Nortonsville and Hopkinsville.

Project No. 3.—From Louisville to Adolphus, via Bardstown, Hodgenville, Buffalo, Hardyville, Glasgow and Scottsville.

Project No. 4.—From Winchester to Whitesburg, via Stanton, Campton, Jackson, Dwarf and Hazard.

Project No. 5.—From Covington to Kentucky-Tennessee State line, near Manring, Tennessee, via Erlanger, Florence, Richmond, Walton, Crittenden, Williamstown, Georgetown, Lexington, Richmond, Mt. Vernon, London, Corbin, Barboursville, Pineville and Middlesboro.

Project No. 6.—From Ashland to Pineville, via Catlettsburg, Louisa, Paintsville, Prestonburg, Pikeville, Whitesburg and Harlan.

Project No. 7.—From Bardwell to Kentucky-Tennessee State line, at Fulton, via Clinton.

Project No. 8.—From Louisville to Wickliffe, via West Point, Tiptop, Brandenburg, Hardinsburg, Hawesville, Owensboro, Henderson, Morganfield, Marion, Smithland and Paducah.

Project No. 9.—From Paducah to Kentucky-Tennessee State line, via Mayfield and Murray.

Project No. 9½.—From Paducah to Bardwell, via Lovelaceville and Cunningham.

Project No. 10.—From Owensboro to Smithland, via Calhoun, Central City, Greenville, Nortonville, Dawson Springs, Princeton, Eddyville, Kuttawa, and from Princeton to Marion.

Project No. 11.—From Owensboro to Tiptop, via Hartford, Pleasant Ridge, Morgantown, Bowling Green, Cave City, Bear Wallow, Munfordsville and Elizabethtown.

Project No. 12.—From Owensboro to Elizabethtown, via Whitesville, Fordsville and Leitchfield.

Project No. 13.—From Louisville to Florence, via Russell's Corner, Bedford, Milton, Carrollton and Warsaw.

Project No. 14.—From Morgantown to Munfordsville, via Brooksville and Mammoth Cave.

Project No. 15.—From Central City to Kentucky-Tennessee State line, at Geddes, via Cleaton, Bevier, Drakesboro, Lewisburg, Russellville, and Franklin. To extend to Warren County line from Franklin, Simpson County, Kentucky.

Project No. 16.—From Hardyville to Campbellsville, via Greensburg.

Project No. 17.—From Louisville to Georgetown, via Shelbyville and Frankfort.

Project No. 18.—From Louisville to Bardstown, via Taylorsville.

Project No. 19.—From Russell's Corner to Williamstown, via LaGrange, New Castle, Pleasureville, Bethlehem and Gratz to Owenton.

Project No. 20.—From Shelbyville to Ashland, via Lawrenceburg, Versailles, Lexington, Paris, Millersburg, Blue Lick, Mayslick, Maysville, Ribolt, Vanceburg and Greenup.

Project No. 21.—From Newport to Paris, via Alexandria, Falmouth and Cynthiana.

Project No. 21½.—From Augusta to Newport, via Gertrude, Johnsville, then to some point on the pike leading from Foster to Lenoxburg, then with said pike to Lenoxburg to Caddo, to the most feasible point on Project No. 21.

Project No. 22.—From Lawrenceburg to Kentucky-Tennessee State line at Isham, Tennessee, via Harrodsburg, Danville, Stanford, Somerset and Whitley City and Stephens Mill.

Project No. 23.—From Nicholasville to Kentucky-Tennessee State line, near Huntsville, via Lancaster, Stanford, Houstonville, Liberty, Jamestown, Swellton, Seventy-six and Albany.

Project No. 24.—From Somerset to Columbia, via Jamestown.

Project No. 25.—From Campbellsville to Richmond, via Lebanon, Perryville, Danville and Lancaster.

Project No. 26.—From Frankfort, via Versailles, Troy and Brooklyn Bridge to Harrodsburg.

Project No. 27.—Stanford to Albany, via Crab Orchard, Mt. Vernon, Somerset, Burnside and Monticello.

Project No. 28.—From London to Greenup, via Manchester, Hyden, Hazard, Hindman, Lackey, Salyersville, West Liberty, Sandy Hook and Grayson.

Project No. 29.—From Richmond to West Liberty, via Irvine, Beattyville and Jackson.

Project No. 30.—From Richmond to Pineville, via McKee, Manchester and Red Bird.

Project No. 31.—From Beattyville to Manchester, via Booneville.

Project No. 32.—From Paris to West Liberty, via Mt. Sterling and Frenchburg.

Project No. 33.—From Owingsville to Mayslick, via Flemingsburg.

Project No. 34.—Paintsville to Salyersville.

Project No. 35.—From Corbin to Kentucky-Tennessee State line, at Jellico, via Williamsburg.

Project No. 36.—From Pikeville to West Virginia State line near Williamson.

Project No. 37.—From Bowling Green to Willow Shade, via Scottsville and Tompkinsville.

Project No. 38.—From Middlesboro to Cumberland Gap.

Project No. 39.—From Paintsville to West Virginia State line, opposite Kermit, West Virginia, via Inez and Warfield.

Project No. 40.—From Albany to Glasgow, via Burkesville, Willow Shade and Summer Shade.

Project No. 41.—From Elizabethtown to Columbia, via Hodgenville and Greensburg.

Project No. 42.—From Murray to Egger's Ferry, near Fenton.

Project No. 43.—From Vanceburg to Flemingsburg, via Petersville.

Project No. 44.—From Taylorsville to Lawrenceburg, via Bloomfield.

Project No. 45.—From Central City to Hartford, via Rockport and McHenry and from Hartford, via Fordsville to Hardinsburg.

Project No. 46.—From Carrollton to West Point, via New Castle, Shelbyville, Taylorsville and Shepherdsville.

Project No. 47.—From Bardstown to Ashland, via Springfield, Harrodsburg, South Elkhorn, Lexington, Winchester, Mt. Sterling, Owingsville, Morehead and Grayson.

Project No. 48.—From Augusta to Blue Lick, via Brooksville and Mt. Olivet.

Project No. 49.—From Georgetown to Warsaw, via Stamping Ground, Bethany, Owenton, Bromley, Poplar Grove and Glencoe.

Project No. 50.—From Richmond to Paris, via Winchester.

Project No. 51.—From Columbia to Kentucky-Tennessee State line, near Willow Grove, Tennessee, via Burkesville.

Project No. 52.—From Scottsville to Franklin.

Project No. 53.—From Cave City to Mammoth Cave.

Project No. 54.—From Mayfield to the Kentucky-Tennessee State line, near Real Foot lake, via Fulton and Hickman.

Project No. 55.—From Dutch Fish Trap Bridge to Dawson Springs, via Antom, Madisonville and Earlington.

Project No. 56.—From Harlan to Virginia State line, near Hubbard Springs, and from Poor Fork, via Benham and Lynch to Virginia State line near Appalacia, Virginia.

Project No. 57.—From Williamstown to Maysville, via Falmouth, Caddo, and Brooksville.

Project No. 58.—From Brownsville to Hardinsburg, via Leitchfield.

Project No. 58½.—From Georgetown to Brooksville, via Cynthiana, Claysville and Milford.

Project No. 58¾.—From Cynthiana to intersect the Maysville and Lexington turnpike road at a point between Carlisle and Millersburg.

Project No. 59.—From Carrollton to Sanford's Pond, via Worthville, Wheatley and New Liberty.

Project No. 59½.—From Nicholasville, via Valley View to Richmond from La Grange to Shelbyville, via Chestnut Grove.

Project No. —.—From Frankfort to Owenton, via Bloomington, Swallowfield, mouth of Margadore, Cedar Creek, Monteray and Cedar Hill.

Project No. —.—From Carlisle to Sharpsburg to Owingsville.

Project No. —.—From Covington to Paris, via Independence, Nicholson, Fishburg and Falmouth.

Project No. —.—From Campbellsville to Bedford.

All State and Federal moneys used in construction and maintenance of roads in the State, except as otherwise provided in this act, shall be used in the construction and maintenance of the roads herein designated until the entire system is fully completed. The cost of construction of this entire system of State Highways shall be borne entirely by the State or by the State and Federal Government, where the roads are built in cooperation, and they shall be maintained entirely by the State, but nothing herein shall prevent any county, municipality, association, firm or individual from making a donation to the State in aid of the construction or maintenance of any of said roads of the State, and the State shall have the right to accept any donation on the terms and conditions prescribed by the State Highway Commission. The construction and maintenance of this system of primary roads shall be under the direction, supervision and control of said Commission and they shall do all things necessary in the construction of said roads as herein required.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Sam A. Cary	George W. Ellis
R. M. Amos	Chas. Chandler	Mrs. M. E. Flannery
B. C. Beckmann	E. B. Cross	Dr. H. M. Fultz
J. E. Bickett	Bryce Cundiff	Bryant Green
W. M. Boling	O. A. Denton	Ed. A. Gullion
Thos. Bowman	A. W. Dorsey	H. C. Hawkins

Thos. O. Holder	W. T. McGuire	H. V. Thompson
R. O. Huntsman	R. D. McMurtry	D. D. Thornberry
Ira Jones	E. E. Nelson	John M. Tinsley
Wright Kelly	D. A. O'Donovan	Garnett W. Tolin
H. R. Lawrence	C. C. Oney	N. I. Toombs
Leon P. Lewis	Brodie Payne	Chas. B. Truesdell
Martin Light	S. R. Powell	John L. Trumbo
Rufus Lisle	R. I. Rice	Fred C. Vanhoose
C. C. May	Arthur Saunders	W. T. Walker
Harry J. Meyers	David I. Scott	W. S. Wallen
Harry B. Miller	Lee L. Simons	W. G. Wheeler
R. C. Moore	George W. Smith	J. B. Wicker
S. H. Moore	Frank L. Strange	—56

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 183. An Act relating to public roads and highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and now is established as one of the primary road projects of the Commonwealth of Kentucky the following, to-wit:

"From La Grange to Louisville via Crestwood, Pewee Valley and Anchorage."

The above project or part of the primary system of highways in this Commonwealth shall be known as Project

13a of the primary system of highways in the Commonwealth adopted and established by and in Chapter 17 of the Acts of the General Assembly of 1920, and shall receive and be entitled to all the benefits allowed and provided for in said Chapter 17 of the Acts of the General Assembly of 1920.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	H. C. Hawkins	D. A. O'Donovan
R. M. Amos	Thos. O. Holder	C. C. Oney
B. C. Beckmann	Frank J. Humbert	James Park
J. E. Bickett	Ira Jones	Brodie Payne
Thos. Bowman	Wright Kelly	S. R. Powell
Sam A. Cary	S. B. Lane	R. I. Rice
Chas. Chandler	H. R. Lawrence	Arthur Saunders
Lee Clark	Leon P. Lewis	David I. Scott
E. B. Cross	Martin Light	H. V. Thompson
O. A. Denton	Rufus Lisle	Geo. F. Thompson
A. W. Dorsey	C. C. May	John M. Tinsley
George W. Ellis	Harry J. Meyers	Garnett W. Tolin
Mrs. M. E. Flannery	Harry B. Miller	N. I. Toombs
Dr. H. M. Fultz	R. C. Moore	Chas. B. Truesdell
W. L. Gossett	S. H. Moore	John L. Trumbo
Bryant Green	Ed. P. Murrah	Fred C. Vanhoose
Ed. A. Gullion	B. A. Muster	Oscar Vest
Arch L. Hamilton	W. T. McGuire	W. T. Walker
Oscar P. Harvey	E. E. Nelson	J. B. Wicker

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Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 347. An Act to amend Sec. 9, Chapter 17 of the Acts of 1920, approved March 16, 1920, relating to the Department of State Roads and Highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 9, Chapter 17, of the Acts of 1920, approved March 16, 1920, relating to the Department of State Roads and Highways, be and the same is hereby amended and re-enacted, so that said section, when so amended and re-enacted, shall read as follows:

"The following cities and towns in the State are hereby declared centers of construction in the Primary System of State Highways heretofore laid out and designated, viz:

"Ashland, Bardstown, Beattyville, Bowling Green, Danville, Fenton, Covington, Clinton, Cynthiana, Lancaster, Frankfort, Glasgow, Harlan, Hazard, Guthrie, Hopkinsville, Lexington, London, Louisville, Madisonville, Maysville, Morehead, Owensboro, Pikeville, Pineville, Paducah, Leitchfield, Elizabethtown, Richmond, Irvine, Russellville, Somerset, Vanceburg, West Liberty, Williamstown, Marion, Henderson, Eddyville, Campbellsburg, Middlesboro, Winchester, Falmouth, Central City, Newport, Albany, Greenup, Mt. Sterling, Greensburg, Mayfield, Fulton, Bardwell and Jamestown.

"The State Highway Commission shall begin the construction of the System of State Highways from these cities and towns as nearly simultaneously as possible, and shall prosecute the work on any or all projects radiating out from these centers as rapidly as finances are available for that purpose, due regard being given to the maintenance of roads built in preceding years under State Aid or otherwise which have been incorporated in this System of State Highways or which have been constructed under this Act."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	W. L. Gossett	Harry B. Miller
R. M. Amos	Bryant Green	R. C. Moore
B. C. Beckmann	Ed. A. Gullion	S. H. Moore
J. E. Bickett	Arch L. Hamilton	Ed. P. Murrah
W. M. Boling	H. C. Hawkins	B. A. Muster
J. F. Bosworth	Thos. O. Holder	W. T. McGuire
Thos. Bowman	Frank J. Humbert	R. D. McMurtry
Sam A. Cary	R. O. Huntsman	E. E. Nelson
Chas. Chandler	Ira Jones	D. A. O'Donovan
Lee Clark	Wright Kelly	C. C. Oney
E. B. Cross	S. B. Lane	James Park
Bryce Cundiff	H. R. Lawrence	Brodie Payne
O. A. Denton	Leon P. Lewis	H. Walter Pierce
A. W. Dorsey	Martin Light	S. R. Powell
George W. Ellis	Rufus Lisle	R. I. Rice
Mrs. M. E. Flannery	C. C. May	Arthur Saunders
Dr. H. M. Fultz	Harry J. Meyers	David I. Scott

Lee L. Simons	Geo. F. Thompson	Oscar Vest	
George W. Smith	John M. Tinsley	W. T. Walker	
Ira D. Smith	N. I. Toombs	W. G. Wheeler	
Frank L. Strange	Chas. B. Truesdell	J. B. Wicker	
H. V. Thompson	John L. Trumbo		—65

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 14. An Act relating to roads and bridges, and amending chapter 17, Acts of the General Assembly of Kentucky, of 1920, by adding thereto, as Project No. 64, the Gateway to Missouri Highway, extending from Fenton to the Mississippi River, at or near Columbus, via Mayfield and Clinton.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the General Assembly of Kentucky of 1920, be amended by adding to, and inserting just after the last named project No. —, on page 92 thereof, the following:

"Project No. 64—From Fenton to the Mississippi River, at or near Columbus, via Mayfield and Clinton," said highway being known as "The Gateway to Missouri Highway."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Frank J. Humbert	S. R. Powell
R. M. Amos	Ira Jones	R. I. Rice
B. C. Beckmann	Wright Kelly	Arthur Saunders
J. E. Bickett	S. B. Lane	David I. Scott
W. M. Boling	H. R. Lawrence	Lee L. Simons
J. F. Bosworth	Oscar Leibson	Reuben E. Skaggs
Thos. Bowman	Martin Light	George W. Smith
Sam A. Cary	C. C. May	Ira D. Smith
Chas. Chandler	Harry J. Meyers	Frank L. Strange
Lee Clark	Harry B. Miller	H. V. Thompson
E. B. Cross	Claude D. Minor	Geo. F. Thompson
Bryce Cundiff	R. C. Moore	John M. Tinsley
O. A. Denton	S. H. Moore	Garnett W. Tolin
A. W. Dorsey	Ed. P. Murrah	N. I. Toombs
George W. Ellis	B. A. Muster	Chas. B. Truesdell
Mrs. M. E. Flannery	W. T. McGuire	John L. Trumbo
Dr. H. M. Fultz	E. E. Nelson	Fred C. Vanhoose
W. L. Gossett	Chas. A. Nelson	Oscar Vest
Bryant Green	D. A. O'Donovan	W. T. Walker
Ed. A. Gullion	C. C. Olney	W. D. Watkins
H. C. Hawkins	Brodie Payne	W. G. Wheeler
Thos. O. Holder	H. Walter Pierce	J. B. Wicker

—66.

Resolved that the title thereof be as aforesaid.

Mr. Lawrence moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of Mr. Simons of the Committee on Rules a bill of the following title was reported with the expression of opinion that said bill ought to pass.

H. B. 270. (For title see today's Journal above.)

Mr. Meyers moved that said bill be not advanced to its first reading.

Mr. Minor moved to amend said motion by reversing its operation so that those voting in the affirmative will vote to advance said bill to its first reading and those voting in the negative will vote to reject said bill.

Said last named motion was agreed to.

The yeas and nays being required thereon by Messrs. Meyers and Lawrence were as follows, viz:

Those who voted in the affirmative were—

B. C. Beckmann	S. B. Lane	R. I. Rice
J. E. Bickett	H. R. Lawrence	Arthur Saunders
W. M. Boling	Leon P. Lewis	Lee L. Simons
Berl Boyd	Martin Light	George W. Smith
Lee Clark	C. C. May	Ira D. Smith
Bryce Cundiff	Claude D. Minor	Frank L. Strange
O. A. Denton	S. H. Moore	H. V. Thompson
A. W. Dorsey	C. D. McCaw	D. D. Thornberry
George W. Ellis	W. T. McGuire	N. I. Toombs
Mrs. M. E. Flannery	Chas. A. Nelson	Oscar Vest
W. L. Gossett	D. A. O'Donovan	W. T. Walker
Bryant Green	C. C. Olney	W. D. Watkins
Ed. A. Gullion	Brodie Payne	J. B. Wicker
J. Edgar Hadden	H. Walter Pierce	T. C. Willis
H. C. Hawkins		

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Those who voted in the negative were—

Samuel W. Adams	Frank J. Humbert	E. E. Nelson
R. M. Amos	R. O. Huntsman	James Park
J. F. Bosworth	Ira Jones	S. R. Powell
Thos. Bowman	Wright Kelly	David I. Scott
Sam A. Cary	Oscar Leibson	Reuben E. Skaggs
Chas. Chandler	Harry J. Meyers	Geo. F. Thompson
E. B. Cross	Harry B. Miller	John M. Tinsley
J. C. Day	R. C. Moore	Chas. B. Truesdell
Dr. H. M. Fultz	Ed. P. Murrah	John L. Trumbo
Oscar P. Harvey	B. A. Muster	Fred C. Vanhoose
Thos. O. Holder	R. D. McMurtry	—32

Said bill was then read at length the first time and ordered to be placed on the Calendar.

A message was received from the Governor announcing that he returns to this House where it originated, without his approval and signature a bill entitled:

H. B. 252. An Act to amend sec. 253 of an Act entitled: "An Act to create the Kentucky Library Commission, to define its powers and duties and to provide for its expenses."

Together with his objections to said bill and his reasons therefor.

(For bill see House Journal February 26.)

The objection of the Governor and his reasons therefor are as follows, viz:

March 1, 1922.

VETO TO HOUSE BILL 252.

Members of the House of Representatives and of the Senate of Kentucky.

Gentlemen:

I hereby veto H. B. 252. This veto is made at the request of the author of the bill and the proposers of the bill because

in the draft of the bill a certain portion of one of the Statutes of Kentucky was omitted therefrom, and made the bill, therefore, irregular and invalid.

The author and propounders of this bill have started, and there is now in the Calendar of the House a similar bill, which is correct in its form, and will accomplish the purpose desired by this bill. Therefore, at their request, I veto the bill, and the authors of the bill request you, as I do, to approve this veto.

Respectfully submitted,
EDWIN P. MORROW,
Governor of Kentucky.

Thereupon the House refused to reconsider said bill.

And so said bill was rejected.

Mr. Lawrence moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH 2, 1922.

The House was opened with prayer by the Rt. Rev. Father Klosterman of the Roman Catholic Church of Frankfort.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams	W. M. Boling	Chas. Chandler
R. M. Amos	J. F. Bosworth	Lee Clark
B. C. Beckmann	Thos. Bowman	E. B. Cross
C. W. Bennett	John E. Brown	Bryce Cundiff
J. E. Bickett	Sam A. Cary	J. C. Day

A. W. Dorsey
H. C. Duffy
W. D. Duncan
George W. Ellis
Mrs. M. E. Flannery
Emery L. Frazier
W. L. Gossett
Bryant Green
Ed. A. Gullion
J. Edgar Hadden
Arch L. Hamilton
Oscar P. Harvey
H. C. Hawkins
Thos. O. Holder
David J. Howard
Frank J. Humbert
R. O. Huntsman
J. T. Jennings
Lester Jeter
Ira Jones
Wright Kelly
S. B. Lane
H. R. Lawrence
Oscar Leibson
Leon P. Lewis
Martin Light
Rufus Lisle
C. C. May
Harry J. Meyers
Harry B. Miller
Claude D. Minor
R. C. Moore
S. H. Moore
Ed. P. Murrah
B. A. Muster
W. T. McGuire
R. D. McMurtry
E. E. Nelson
Chas. A. Nelson
Geo. W. Newman
D. A. O'Donovan
James Park
Brodie Payne
H. Walter Pierce
Arch M. Quarles
R. I. Rice
Arthur Saunders
David I. Scott
Lee L. Simons
Reuben E. Skaggs
George W. Smith
Ira D. Smith
R. F. Stewart
Frank L. Strange
H. V. Thompson
Geo. F. Thompson
H. Q. Thompson
S. G. Thornberry
D. D. Thornberry
John M. Tinsley
Garnett W. Tolin
N. I. Toombs
Chas. B. Truesdell
John L. Trumbo
Fred C. Vanhoose
Oscar Vest
Geo. C. Waggoner
W. T. Walker
W. S. Wallen
W. D. Watkins
W. G. Wheeler
J. B. Wicker
T. C. Willis

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz:

H. B. 193. An Act providing for a system of registration of every voter in the Commonwealth of Kentucky; providing for the appointment of registrars for the purpose of registering voters of the Commonwealth of Kentucky in every precinct in the State; fixing the time and manner in which the voters of the Commonwealth of Kentucky shall register; providing for the manner and means of such registration and

prescribing and naming the qualifications of voters in the State of Kentucky; fixing the time a voter shall reside in the State, county, city or town and precinct in which he or she votes; naming a board for the purpose of preparing necessary forms, blanks and books for the carrying out of the provisions thereof; providing for the administration of an oath to all persons registering; fixing the pay of registrars in each and every precinct; providing for the notification of voters in each and every precinct of the time and place of the sitting of registrar in such precinct; providing for and designing certain days in the year 1922 and annually thereafter when the registrar of each precinct shall sit for the purpose of registering voters and amending and correcting the list of such precinct; providing penalties, and repealing any and all laws in conflict herewith.

H. B. 85. An Act to amend and re-enact Sec. 1475, Kentucky Statutes, Carroll's Edition, 1915, relating to illiterate, blind, and disabled voters.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The following Petition was presented by Mr. Huntsman, viz:

To the Senate and House of Representatives of the State of Kentucky, requesting that the following be read and spread on the minutes of the Senate and House:

Whereas, the members of the Kentucky State Chapter of American War Mothers, with hearts brimming full of love and gratitude for their sons and daughters who gave their lives in the recent World War, and to all who offered their lives for their country;

Whereas, one of the objects of the organization of the American War Mothers was the gathering and keeping rec-

ords of service and deeds of valor of all who served in the World War, and also the building of Memorials;

Whereas, the Memorial Bridge projects being endorsed by the Legislature of 1920, encouraged the Kentucky State Chapter of American War Mothers to hope that the present Legislature might be able to help in a material way with the building of said Memorial Bridge;

Whereas, after a careful survey of the many vital needs of our ex-service men in asylum, hospital and vocational schools and the needs of our charitable and educational institutions, makes the asking of any help at this time from our burdened State Treasury a flagrant bit of selfishness, however dear the project may be to the hearts of the War Mothers;

We, therefore, beg that the Senate and House of the Legislature do now take notice that at some future time the Kentucky State Chapter of American War Mothers will ask, and we do hope, that you, as members of the Legislature and as citizens, will lend your approval and material aid to help the War Mothers of Kentucky to build a beautiful Memorial Bridge across the Kentucky River in the Capitol City, facing the beautiful Capitol Building, a memorial to our loved sons and daughters who offered themselves, living sacrifices, for their country.

(Signed) LAURA BUIS KNOWLEN,
State War Mother;
LULU B. HENRY,
CATHERINE CAMPBELL,
DR. FLORA W. MASTIN,
Legislative Committee.

Which was read at length and ordered to be spread on the Minutes.

At the instance of the Committee on Rules, the following bills were introduced, viz:

By Mr. Gullion.

H. B. 461. An Act establishing a road to run from New Castle in Henry County, by way of North Pleasureville, Elinburg and Jacksonville to Frankfort as a State Primary road as Project No. 19A.

By Mr. Brown.

H. B. 462. An Act to include signing in the curriculum of the public schools of the State of Kentucky.

By Mr. Dorsey.

H. B. 463. An Act relating to stock running at large and prosecutions thereunder.

By Mr. Chandler.

H. B. 464. An Act to repeal the charter of Pittsburgh, a town of the sixth class, located in Laurel County, Kentucky.

By Mr. Chandler.

H. B. 465. An Act to repeal the charter of East Bernstadt, a town of the sixth class, located in Laurel County, Kentucky.

Said bills were ordered printed and referred to Committee on Rules.

Mr. Waggoner moved that this House do now resolve itself into the Committee of the Whole for the purpose of hearing an address by Mrs. Lula B. Henry, representing the Franklin County Chapter of the Kentucky State War Mothers.

The Speaker designated Mr. Minor as Chairman of the Committee of the Whole.

After a time, the Speaker having resumed the Chair, Mr. Minor reported that they had heard an interesting address by Mrs. Henry.

Mr. Boling moved that the Session of today be extended indefinitely.

Said motion was agreed to.

Mr. Boling of the Committee on Rules reported the following bills with the expression of opinion that they ought to pass, viz:

S. B. 104. An Act to amend Sec. 4 of Chapter 11 of the Acts of the Extraordinary Session of 1917, being Sec. 4019a-10 of the Kentucky Statutes, Carroll's Edition 1918, being an Act relating to revenue and taxation, providing an annual tax upon property subject to taxation in this State, fixing the rate thereof, distributing said tax to various departments and State institutions, providing manner and means of assessing and listing corporate property, and shares of stock, designating what classes of property shall be subject to local taxation, fixing the time for collecting taxes on omitted personal property in certain cases requiring record of assignment of evidence of indebtedness secured by mortgages in certain cases, requiring fiduciaries to file inventories of trust property, conferring power on taxing authorities to examine books and accounts of fiduciaries, requiring payment of taxes before final discharge, providing an additional tax for recording certain mortgages, making failure to pay taxes a bar to enforcement to indebtedness in certain cases, fixing penalties and repealing existing Statutes.

S. B. 7. An Act relating to unlawful carnal knowledge of children under the age of eighteen years, including both sexes, and prescribing and fixing penalties for violations thereof, and amending and re-enacting Sec. 1155, Kentucky Statutes, Carroll, 1915.

H. B. 418. An Act relating to cities of the sixth class.

H. B. 430. An Act to amend an Act relating to roads and bridges and being Chapter 17 of the Acts of the General Assembly of the year 1920.

H. B. 451. An Act to amend sec. 5 of Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and highways.

H. B. 452. An Act to amend Sec. 5, project No. 32, of Chapter 17 of the Acts of the General Assembly of 1920, by adding to and extending said project.

H. B. 191. An Act to prohibit the teaching in public schools and other public institutions of learning, Darwinism, Atheism, agnosticism, or evolution as it pertains to the origin of man.

H. B. 454. An Act to make it unlawful to have in possession, use, or keep high power copper and metal jacket rifles.

H. B. 39. An Act creating a commission, to be known as the "Miners Qualification Board," to provide for the safety of persons employed in and about coal mines, providing for the examination of persons seeking employment as coal miners, and providing penalties for violations of the provisions of the Act.

H. B. 381. An Act to amend and re-enact sub-section (b) of Sec. 1 of Chapter 90 of the Acts of the General Assem-

bly of 1920, entitled: "An Act relating to vehicles; regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and the manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this act, and repealing any and all conflicting laws."

Said bills were read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. 392. An Act to fix and regulate the time of holding term of Circuit Courts in the Twentieth Judicial District.

H. B. 446. An Act relating to revenue and taxation in cities of the first class.

H. B. 393. An Act to amend Sections 1, 4a, 9, 10, 12, 16, 17, 24, 35, 73 and 74 of an Act entitled: "An Act to provide an elective system of Workmen's Compensation for industrial accidents" and known as Chapter 33 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved on March 23, 1916, and the same Act as amended by what is known as Chapter 126 of the Acts of the General Assembly for the year 1918, and approved by the Governor on March 29, 1918, and the same Act as amended by what is known as Chapter 37 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1920, and approved by the Governor on March 22, 1920; said sections as amended,

and to be amended, are known as Sections 4880, 4884, 4890, 4891, 4893, 4896, 4897, 4898, 4899, 4905, 4916 and 4956, and 4957 of Carroll's Kentucky Statutes, Vol. 3, 1918 Edition.

H. B. 405. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of Kentucky of 1920, by adding thereto, as project No. — extending from Leitchfield via Caneyville, Horse Branch, and Rosine to Beaver Dam.

H. B. 408. An Act consolidating the offices of Master Commissioner and Trustee of the Jury Fund with that of Circuit Court Clerk in all counties of this Commonwealth, except such counties as contain cities of the first, second, third and fourth classes.

H. B. 370. An Act providing for an annual license tax upon any person, firm or corporation handling, selling, dealing in or bartering pistols or revolvers, and providing for a violation thereof and fixing penalties; providing that every owner or purchaser of a pistol or revolver shall register same with the county clerk of the county in which such person resides and fixing registration fees therefor and providing penalties for a violation thereof or for the failure, neglect or refusal of such person to so register such pistol or revolver, and providing for a forfeiture of such pistol or revolver for such failure and providing a method of the sale thereof, and providing fees and the disposition of same, and repealing all conflicting laws.

H. B. 424. An Act making the city of Springfield, Washington County, Kentucky, a center of construction in the primary system of State Highways laid out and designated in an Act of the General Assembly of the Commonwealth of Kentucky in 1920.

H. B. 425. An Act making the road leading from Perryville in Boyle County to Springfield in Washington County a part of the primary road system of Kentucky, connecting thereby project 25 at Perryville with Project No. 47 at Springfield said Projects as numbered being so designated in the road laws enacted at the regular session of the General Assembly of Kentucky in 1920.

S. B. 223. An Act to amend Subsec. 1019a of the Act approved February 27, 1920, the same being Chapter 2 of the Acts of the General Assembly of the Commonwealth of Kentucky at its 1920 session entitled: "An Act to amend subsec. 7 of Sec. 1019a of the Act approved March 29, 1908, entitled 'An Act to provide for stenographic reporters for Courts of continuous session.' "

H. B. 448. An Act to amend the Constitution of the Commonwealth of Kentucky by adding thereto Sec. 412, relating to the time the General Assembly shall remain in session and the introduction and passage of Acts and Resolutions.

H. B. 390. An Act to provide for the suppression of contagious diseases among bees, to create the office of State Inspector of Apiaries and to appropriate money therefor.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bill at length being dispensed with, it was read the second time by its title.

Ordered that said bills be placed in the Orders of the Day.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 365. An Act relating to public Roads and Highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there now be and is established as one of the Primary Road Projects of the Commonwealth the following which shall be known as Project 41b and to be added to the projects established by Chapter 17, Acts 1920, and shall run as follows:

§ 2. (41b) From Elizabethtown to Lebanon, beginning at the first named point, thence over the Bardstown road to a point where the Lyons and New Haven road leaves the Bardstown road; thence to Lyons, to New Haven, to New Hope, to Loretto, thence to Lebanon, and shall be known as the Rolling Fork Valley Road.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. Bowman	F. B. Cross
B. C. Beckmann	Berl Boyd	Bryce Cundiff
C. W. Bennett	Sam A. Cary	J. C. Day
J. E. Bickett	Chas. Chandler	O. A. Denton
W. M. Boling	Lee Clark	A. W. Dorsey

W. D. Duncan	Leon P. Lewis	Arch M. Quarles
George W. Ellis	Martin Light	Arthur Saunders
Mrs. M. E. Flannery	C. C. May	David I. Scott
Dr. H. M. Fultz	Harry J. Meyers	Lee L. Simons
Bryant Green	Claude D. Minor	George W. Smith
Ed. A. Gullion	R. C. Moore	Ira D. Smith
J. Edgar Hadden	S. H. Moore	H. V. Thompson
Arch L. Hamilton	Ed. P. Murrah	Geo. F. Thompson
Oscar P. Harvey	B. A. Muster	S. G. Thornberry
H. C. Hawkins	W. T. McGuire	D. D. Thornberry
Thos. O. Holder	R. D. McMurtry	John M. Tinsley
David J. Howard	E. E. Nelson	Garnett W. Tolin
R. O. Huntsman	Chas. A. Nelson	N. I. Toombs
J. T. Jennings	Geo. W. Newman	Chas. B. Truesdell
Lester Jeter	D. A. O'Donovan	W. T. Walker
Ira Jones	James Park	W. S. Wallen
Wright Kelly	Brodie Payne	W. D. Watkins
S. B. Lane	H. Walter Pierce	J. B. Wicker
H. R. Lawrence	S. R. Powell	T. C. Willis

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Those who voted in the negative were—

C. D. McCaw	R. F. Stewart

—2

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 290. An Act to amend the State road law as passed by the General Assembly of 1920 to include that portion of the Dixie Highway from Russellville to the Tennessee line via Adairville, Kentucky; and to include that portion of

the Russellville-Clarksville road between Russellville and intersecting the Dixie Bee Line highway at old Graysville in Todd County, Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The portion of road between Russellville and the Tennessee line via Adairville be and is hereby made a part of the State Highway System.

§ 2. That the road between Russellville and Old Graysville connecting with the Dixie Bee Line Pike, and known as the Russellville-Clarksville road be and hereby is made a part of the State Highway System.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Bryce Cundiff	Ed. A. Gullion
B. C. Beckmann	O. A. Denton	Arch L. Hamilton
C. W. Bennett	A. W. Dorsey	Oscar P. Harvey
J. E. Bickett	W. D. Duncan	H. C. Hawkins
W. M. Boling	George W. Ellis	David J. Howard
Thos. Bowman	Mrs. M. E. Flannery	J. T. Jennings
Sam A. Cary	Dr. H. M. Fultz	Lester Jeter
Chas. Chandler	W. L. Gossett	Ira Jones
E. B. Cross	Bryant Green	Wright Kelly

S. B. Lane	D. A. O'Donovan	S. G. Thornberry
Leon P. Lewis	H. Walter Pierce	D. D. Thornberry
Martin Light	S. R. Powell	John M. Tinsley
C. C. May	Arch M. Quarles	Garnett W. Tolin
Harry J. Meyers	R. I. Rice	N. I. Toombs
Claude D. Minor	Arthur Saunders	Chas. B. Truesdell
R. C. Moore	David I. Scott	John L. Trumbo
S. H. Moore	Lee L. Simons	Fred C. Vanhoose
Ed. P. Murrah	Reuben E. Skaggs	Oscar Vest
B. A. Muster	George W. Smith	W. T. Walker
C. D. McCaw	Ira D. Smith	W. S. Wallen
R. D. McMurtry	Frank L. Strange	W. D. Watkins
E. E. Nelson	H. V. Thompson	W G. Wheeler
Geo. W. Newman	Geo. F. Thompson	—68

There voted in the negative—

R. F. Stewart —1

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 300. An Act adding project No. 51½ to Primary System of State Highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Project No. 51½ be added to the Primary System of State Highways established by Act of 1920, said Project start-

ing, traversing and being as follows: From Burkesville to the Kentucky-Tennessee State line near the mouth of Kettle Creek, via Leslie, Arat, Cary's Ferry, Blacks Ferry and Martinsburg.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Oscar P. Harvey	S. R. Powell
B. C. Beckmann	H. C. Hawkins	J. L. Richardson
C. W. Bennett	David J. Howard	Arthur Saunders
J. E. Bickett	J. T. Jennings	David I. Scott
W. M. Boling	Lester Jeter	Lee L. Simons
Thos. Bowman	Wright Kelly	Reuben E. Skaggs
Berl Boyd	H. R. Lawrence	George W. Smith
W. R. Button	Leon P. Lewis	Frank L. Strange
Sam A. Cary	Martin Light	H. V. Thompson
Chas. Chandler	Rufus Lisle	H. Q. Thompson
Lee Clark	Harry J. Meyers	D. D. Thornberry
E. B. Cross	Claude D. Minor	John M. Tinsley
J. C. Day	R. C. Moore	N. I. Toombs
A. W. Dorsey	S. H. Moore	Chas. B. Truesdell
W. D. Duncan	B. A. Muster	Oscar Vest
George W. Ellis	W. T. McGuire	Geo. C. Waggoner
Mrs. M. E. Flannery	R. D. McMurtry	W. T. Walker
Dr. H. M. Fultz	E. E. Nelson	W. S. Wallen
W. L. Gossett	Geo. W. Newman	W. D. Watkins
Bryant Green	D. A. O'Donovan	W. G. Wheeler
J. Edgar Hadden	Brodie Payne	
Arch L. Hamilton	H. Walter Pierce	

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There voted in the negative—

R. F. Stewart —1

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 346. An Act establishing and making the road leading from Newport, via Fort Thomas, Melbourne, California and Flag Spring to Caddo, Lenoxburg, Brooksville and Augusta a part of the primary system of State Highways of the Commonwealth of Kentucky, and designating said Project as Project No. —.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Newport, Campbell County, Kentucky, via Fort Thomas, Melbourne, California, via River Road which intersects pike leading to Flag Springs, via Flag Springs, thence to Caddo, to Lenoxburg, to Brooksville and to Augusta, be and the same is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky, and the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, Pages 76 and 77, of the Acts of 1920, establishing and creating a Primary System of State Highways.

§ 2. Said road shall be designated as Project No. —.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

B. C. Beckmann	Thos. O. Holder	David I. Scott
C. W. Bennett	David J. Howard	Lee L. Simons
J. E. Bickett	J. T. Jennings	George W. Smith
W. M. Boling	Lester Jeter	Ira D. Smith
Thos. Bowman	Ira Jones	Frank L. Strange
W. R. Button	Wright Kelly	Geo. F. Thompson
Sam A. Cary	Martin Light	H. Q. Thompson
Chas. Chandler	Rufus Lisle	S. G. Thornberry
Lee Clark	Claude D. Minor	D. D. Thornberry
E. B. Cross	S. H. Moore	John M. Tinsley
J. C. Day	B. A. Muster	Garnett W. Tolin
W. D. Duncan	W. T. McGuire	N. I. Toombs
George W. Ellis	R. D. McMurtry	Chas. B. Truesdell
Mrs. M. E. Flannery	E. E. Nelson	Fred C. Vanhoose
Dr. H. M. Fultz	Geo. W. Newman	Geo. C. Waggoner
W. L. Gossett	D. A. O'Donovan	W. T. Walker
Bryant Green	Brodie Payne	W. S. Wallen
Oscar P. Harvey	J. L. Richardson	W. G. Wheeler
H. C. Hawkins	Arthur Saunders	J. B. Wicker

—57

Those who voted in the negative were—

C. D. McCaw	R. F. Stewart

—2

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 135. An Act establishing and making the road leading from Independence via White's Tower, Staffordsburg, Kenton Station, Grant's Lick and Claryville to Alexandria a part of the Primary system of State Highways of the Commonwealth of Kentucky, and designating said road as project No. —.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Independence, in Kenton County, Kentucky, via the Independence pike to the intersection of Harris pike, thence via Harris pike to White's Tower, thence via Taylor Mill pike to Staffordsburg, thence via Bowman Creek road to Kenton Station, thence crossing Licking River, thence via Licking and Grant's Lick pike to Grant's Lick, thence via Licking pike to Claryville, thence via Claryville and Alexandria pike to Alexandria, be and the same is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, and the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, page 76, of the Acts of 1920, establishing and creating a primary system of State highways.

§ 2. Said road shall be designated as Project No. —.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

B. C. Beckmann	Thos. O. Holder	David I. Scott
C. W. Bennett	David J. Howard	Lee L. Simons
J. E. Bickett	Lester Jeter	Reuben E. Skaggs
W. M. Boling	Wright Kelly	Ira D. Smith
J. F. Bosworth	Leon P. Lewis	Frank L. Strange
Sam A. Cary	Martin Light	Geo. F. Thompson
Chas. Chandler	C. C. May	H. Q. Thompson
E. B. Cross	Harry J. Meyers	S. G. Thornberry
J. C. Day	Claude D. Minor	D. D. Thornberry
A. W. Dorsey	R. C. Moore	John M. Tinsley
W. D. Duncan	S. H. Moore	Garnett W. Tolin
George W. Ellis	Ed. P. Murrah	N. I. Toombs
Mrs. M. E. Flannery	B. A. Muster	Chas. B. Truesdell
Emery L. Frazier	C. D. McCaw	Oscar Vest
Dr. H. M. Fultz	W. T. McGuire	W. T. Walker
W. L. Gossett	R. D. McMurtry	W. S. Wallen
J. Edgar Hadden	E. E. Nelson	W. D. Watkins
Oscar P. Harvey	Geo. W. Newman	W. G. Wheeler
H. C. Hawkins	J. L. Richardson	J. B. Wicker

—57

There voted in the negative—

R. F. Stewart

—1

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 417. An Act establishing a road to run from Harlan, in Harlan County, Kentucky, via the Pine Mountain Settlement School, in Harlan County, to Hyden, in Leslie County, as a State primary road, and designating said project as Project No. 56A.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road to lead from Harlan, in Harlan County, Kentucky, via the Pine Mountain Settlement School, in Harlan County, to Hyden, in Leslie County, Kentucky. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

2. Said project shall be designated and known as Project No. 56A.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	H. C. Hawkins	R. I. Rice
B. C. Beckmann	Thos. O. Holder	Arthur Saunders
C. W. Bennett	David J. Howard	David I. Scott
J. E. Bickett	Frank J. Humbert	Frank L. Strange
W. M. Boling	R. O. Huntsman	H. V. Thompson
Thos. Bowman	J. T. Jennings	Geo. F. Thompson
Sam A. Cary	Lester Jeter	H. Q. Thompson
Chas. Chandler	Ira Jones	S. G. Thornberry
E. B. Cross	Wright Kelly	D. D. Thornberry
Bryce Cundiff	Leon P. Lewis	John M. Tinsley
W. D. Duncan	Rufus Lisle	N. I. Toombs
George W. Ellis	Harry J. Meyers	Chas. B. Truesdell
Mrs. M. E. Flannery	R. C. Moore	Geo. C. Waggoner
Dr. H. M. Fultz	S. H. Moore	W. T. Walker
W. L. Gossett	Ed. P. Murrah	W. S. Wallen
Bryant Green	W. T. McGuire	W. D. Watkins
Ed. A. Gullion	Geo. W. Newman	T. C. Willis
J. Edgar Hadden	James Park	
Oscar P. Harvey	Brodie Payne	—55

There voted in the negative—

R. F. Stewart —1

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 228. An Act to create a commission, to be known as "The Kentucky Child Welfare Commission" and to prescribe its duties and functions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created a Commission to be known as "The Kentucky Child Welfare Commission," composed of nine members, who shall be citizens of the State of Kentucky and who shall serve without compensation. The members of the Commission shall be appointed by the Governor, three for a period of one year, three for a period of two years and three for a period of three years from date of appointment, and thereafter all appointments, except to fill vacancies caused by death, resignation or removal, shall be for the full term of three years.

§ 2. It shall be the duty of the Commission to continue the survey of Child Welfare in the Commonwealth of Kentucky heretofore begun by the Children's Code Commission authorized under joint resolution of the General Assembly of 1920; to investigate and study the needs of Kentucky children and present to the Governor and the General Assembly, prior to each legislative session, a report of their findings and recommendations based thereon; to prepare data upon the subject, and be ready at all times to advise the Governor or any member of the General Assembly concerning the bills relating to children which may be introduced at any session of the General Assembly.

§ 3. The Commission shall have power to summon witnesses and compel their attendance.

Mr. Lewis offered the following Amendment to said bill, viz:

"Amend H. B. 228 by striking therefrom Sec. 3 thereof."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	Brodie Payne
R. M. Amos	H. C. Hawkins	H. Walter Pierce
B. C. Beckmann	Thos. O. Holder	R. I. Rice
C. W. Bennett	David J. Howard	J. L. Richardson
J. E. Bickett	R. O. Huntsman	Arthur Saunders
W. M. Boling	Lester Jeter	R. F. Stewart
J. F. Bosworth	Ira Jones	Frank L. Strange
Thos. Bowman	Wright Kelly	Geo. F. Thompson
Chas. Chandler	Oscar Leibson	S. G. Thornberry
Lee Clark	Martin Light	D. D. Thornberry
E. B. Cross	Rufus Lisle	John M. Tinsley
Bryce Cundiff	C. C. May	Garnett W. Tolin
J. C. Day	Harry J. Meyers	N. I. Toombs
O. A. Denton	Claude D. Minor	Chas. B. Truesdell
A. W. Dorsey	Ed. P. Murrah	Fred C. Vanhoose
W. D. Duncan	B. A. Muster	Oscar Vest
George W. Ellis	W. T. McGuire	Geo. C. Waggoner
Emery L. Frazier	R. D. McMurtry	W. T. Walker
Dr. H. M. Fultz	E. E. Nelson	W. S. Wallen
Bryant Green	Geo. W. Newman	W. D. Watkins
Ed. A. Gullion	D. A. O'Donovan	W. G. Wheeler
J. Edgar Hadden	James Park	—65

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 196. An Act to regulate Brokerage business.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any officer, manager or employe of any firm, corporation or individual engaged in the brokerage business, as hereinafter defined, who shall receive or assent to the receiving of deposits from any one, person, firm or corporation, as customer or dealer, to be used as margins for the purchase of stocks, grain, produce or cotton, when such officer, manager or employe knows or has reasonable grounds for believing that such person, firm or corporation so engaged in the said brokerage business is insolvent, shall be personally liable for such deposits or margins so received, and shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary for not less than one nor more than ten years.

§ 2. A broker, within the meaning of the foregoing section, shall be any person, firm or corporation who is engaged in the business of buying or selling stocks, bonds, grain, produce or cotton, as the agent or representative of other persons, upon margins, and who charges commissions for their services.

Mr. Newman offered the following Amendment, viz:

"Amend H. B. 196 by adding after the word "cotton" in line 5 on page 1 of the printed bill the following words, "or for the outright purchase thereof," and by adding after the word "deposits" in line 3 on page 1 of the printed bill the following words: "in cash, securities or other things of value."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	George W. Ellis	H. R. Lawrence
B. C. Beckmann	Mrs. M. E. Flannery	Oscar Leibson
C. W. Bennett	Emery L. Frazier	Leon P. Lewis
J. E. Bickett	Dr. H. M. Fultz	Martin Light
W. M. Boling	Bryant Green	C. C. May
J. F. Bosworth	Ed. A. Gullion	Claude D. Minor
Thos. Bowman	J. Edgar Hadden	R. C. Moore
Berl Boyd	Oscar P. Harvey	S. H. Moore
Sam A. Cary	H. C. Hawkins	Ed. P. Murrah
Lee Clark	Thos. O. Holder	W. T. McGuire
E. B. Cross	David J. Howard	Geo. W. Newman
Bryce Cundiff	Frank J. Humbert	D. A. O'Donovan
J. C. Day	J. T. Jennings	James Park
A. W. Dorsey	Lester Jeter	Brodie Payne
H. C. Duffy	Ira Jones	H. Walter Pierce
W. D. Duncan	S. B. Lane	R. I. Rice

J. L. Richardson	H. V. Thompson	John L. Trumbo
Arthur Saunders	Geo. F. Thompson	Fred C. Vanhoose
David I. Scott	S. G. Thornberry	Oscar Vest
Lee L. Simons	D. D. Thornberry	Geo. C. Waggoner
Reuben E. Skaggs	John M. Tinsley	W. D. Watkins
Ira D. Smith	Garnett W. Tolin	T. C. Willis
R. F. Stewart	N. I. Toombs	
Frank L. Strange	Chas. B. Truesdell	—70

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 385. An Act to amend Sec. 3382 of Carroll's Kentucky Statutes, 1915, by changing the time of the appointment of Board of Tax Supervisors for cities of the third class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3382 of Carroll's Kentucky Statutes, 1915, be amended by striking therefrom the words "During the month of March" and in lieu thereof using the words "Between January the 1st and April 1st;" so that said section when amended will read as follows:

"Between January the 1st and April 1st of each year the mayor shall, subject to the approval of the council, appoint

three intelligent housekeepers residing in different wards of the city, who shall constitute the Board of Tax Supervisors for said city."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. Edgar Hadden	S. R. Powell
R. M. Amos	Arch L. Hamilton	Arch M. Quarles
B. C. Beckmann	H. C. Hawkins	R. I. Rice
C. W. Bennett	Thos. O. Holder	Arthur Saunders
J. E. Bickett	David J. Howard	David I. Scott
W. M. Boling	Frank J. Humbert	Lee L. Simons
Thos. Bowman	J. T. Jennings	Reuben E. Skaggs
Berl Boyd	Lester Jeter	George W. Smith
W. R. Button	Ira Jones	Ira D. Smith
Chas. Chandler	Wright Kelly	R. F. Stewart
Lee Clark	Oscar Leibson	Frank L. Strange
E. B. Cross	Martin Light	Geo. F. Thompson
Bryce Cundiff	Rufus Lisle	H. Q. Thompson
J. C. Day	C. C. May	D. D. Thornberry
O. A. Denton	Harry J. Meyers	John M. Tinsley
A. W. Dorsey	Claude D. Minor	N. I. Toombs
George W. Ellis	S. H. Moore	Chas. B. Truesdell
Mrs. M. E. Flannery	Ed. P. Murrah	John L. Trumbo
Emery L. Frazier	W. T. McGuire	Fred C. Vanhoose
Dr. H. M. Fultz	Geo. W. Newman	Oscar Vest
W. L. Gossett	D. A. O'Donovan	Geo. C. Waggoner
Bryant Green	Brodie Payne	W. T. Walker
Ed. A. Gullion	H. Walter Pierce	T. C. Willis

—69

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 283. An Act to amend and re-enact Sec. 1358 of Chapter 36 of Carroll's Kentucky Statutes, being Chapter 134 of the Act of March 29, 1918.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1358, of Chapter 36, of Carroll's Kentucky Statutes, being Chapter 134 of the Act entitled an Act to amend Section 1358, Kentucky Statutes, approved March 29, 1918, be and the same is hereby amended by striking out of said section and Act the following words: "he shall be fined not less than Ten, nor more than One Thousand Dollars, or imprisoned not less than fifteen, or more than ninety days, or both so fined or imprisoned," and by inserting after the words: "dispose of," the words: "or remove from the State," and after the words: "sale of property," the words: "he shall be deemed guilty of the larceny of such personal property and shall be punished as provided by the Statutes of this Commonwealth in case of larceny."

So that said section when so amended shall read as follows: "If any person shall fraudulently sell, conceal, dispose of, or remove from the State any personal property on which there is, at the time, a mortgage of record, or any lien given

under the Statute laws of the Commonwealth of Kentucky, with intent to prevent the enforcement of the lien thereon, or the foreclosure of the mortgage or lien, and sale of the property, he shall be deemed guilty of the larceny thereof and punished as provided by the Statutes of this Commonwealth in case of larceny."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	Arthur Saunders
R. M. Amos	Oscar P. Harvey	David I. Scott
B. C. Beckmann	H. C. Hawkins	Lee L. Simons
C. W. Bennett	Thos. O. Holder	George W. Smith
J. E. Bickett	David J. Howard	Ira D. Smith
W. M. Boling	Frank J. Humbert	R. F. Stewart
Thos. Bowman	Wright Kelly	Frank L. Strange
Berl Boyd	S. B. Lane	H. V. Thompson
John E. Brown	Martin Light	Geo. F. Thompson
W. R. Button	Rufus Lisle	H. Q. Thompson
Lee Clark	C. C. May	S. G. Thornberry
Bryce Cundiff	Claude D. Minor	D. D. Thornberry
J. C. Day	S. H. Moore	John M. Tinsley
A. W. Dorsey	Ed. P. Murrah	N. I. Toombs
H. C. Duffy	W. T. McGuire	Fred C. Vanhoose
George W. Ellis	E. E. Nelson	Geo. C. Waggoner
Mrs. M. E. Flannery	D. A. O'Donovan	W. T. Walker
Emery L. Frazier	Brodie Payne	W. D. Watkins
Dr. H. M. Fultz	H. Walter Pierce	W. G. Wheeler
W. L. Gossett	S. R. Powell	J. B. Wicker
Ed. A. Gullion	R. I. Rice	T. C. Willis
J. Edgar Hadden	J. L. Richardson	

—65

Those who voted in the negative were—

R. O. Huntsman J. T. Jennings

—2

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 203. An Act authorizing cities of the first and second classes to create a city planning commission, with power to make a survey and plan of the city and of land contiguous or related thereto; to provide for the regulation of the height, area and use of buildings and for zoning of the city, and with power to approve the recording of plots and subdivisions of lands.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I

This act shall be known as the "City Planning Zoning Act."

ARTICLE II

§ 1. Any city of the first or second class may, by ordinance, create a city planning commission. In cities of the first class this commission shall consist of the chairman of the Board of Public Work, or such person as shall succeed

to his rights and powers, and the president of the Board of Park Commissioners, as members ex-officio, and of three members who shall be appointed by the mayor. In cities of the second class the commission shall consist of the mayor and of four members appointed by the mayor. Such commissioners shall be legal voters of the municipality and the appointed commissioners shall hold no other municipal office and shall serve without compensation.

The ordinance creating such commission shall prescribe the terms for which the members of same shall be appointed, and the expenditures of said commission shall be limited in each year to the amount appropriated by ordinance for that year. Such commission shall have power, except as otherwise provided by law: to make plans and maps of the whole or any portion of such municipality, and of any land outside of the municipality, which, in the opinion of the commission bears relation to the planning of the municipality, and to make changes in such plans or maps when it deems same advisable. Such maps or plans shall show the commission's recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds or any other public grounds or public improvements, and for the removal, relocation, widening or extension of such public ways or works then existing with a view to the systematic planning of the municipality. The commission shall have the power to make recommendations for the control, development, preservation and care of historical landmarks and the design and location of statuary and other works of art, which are or may become the property of the municipality, and may make plans for the development and location of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances; and shall have power to recommend to the legislative body ordinances providing for the division of the city into districts or zones based upon the height, ground areas and use of all buildings and structures.

§ 2. Hereafter no plat or map laying out or offering for dedication any public way or easement in the territory within the limits of the city or within three miles of the said limits as then existing shall be received for record by, or be recorded in the office of the clerk of the county court of the county, except upon the conditions hereinafter named; and if the descriptions of any deed, lease, mortgage or bond for title to land within said territory, refers to or is based upon any map or plat not now recorded or describing the land as binding upon any street, avenue, alley or public way proposed or offered for dedication, imediately or in the future, for the use of the public and the purchaser, lessee or mortgagee, said instrument or writing shall not be received for record by, or be recorded in the office of the clerk of said court, except upon the following conditions:

(a) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or easement within the city limits, he shall file with the city planning commission a topographical map or plat of the territory bounded or intersected or immediately adjacent to said proposed public way or easement, showing the levels of said land, the proposed names, nature and dimensions of the said public way or easement proposed or offered for dedication; and, if the said commission thinks such proposed dedication of said public way or other easement would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, said commission shall approve the said map or plat and the chairman or secretary of said commission shall subscribe a certificate of approval on said map and acknowledge the execution thereof before any officer authorized to take an acknowledgment to deeds and thereupon said map or plat may be received for record by and be recorded in the office of the clerk of the county court.

If said commission refuses to approve said map or plat in thirty days the person offering the same may file a petition in the circuit court of the county against the city, stating the

facts and filing a copy of said map or plat and said suit shall begin and proceed and be tried as a civil action in equity, and if the court, at the hearing, believe that the plaintiff has shown that said proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, the court shall order said map or plat to be received by the clerk of the county court for record in his office when the legal fees for recording the same have been paid or tendered.

(b) Whenever any person desires to lay out or offer for dedication, by recorded plat, any such public way or other easement outside the limits of the city, but within three miles thereof, he shall file a like topographical map with the city planning commission and also with the judge of the County Court, and if the said commission and the said judge think such proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city when its boundaries may embrace said land, said commission and said county judge shall approve said map or plat in the manner above provided and said map or plat shall be received for record by and be recorded in the office of the county court upon the payment of the legal fees therefor.

If said commission or said county judge refuse for thirty days to approve said map or plat, the person offering the same shall have the right to take a like appeal to the circuit court as provided for above.

The mere approval of such a map or plat by the said commission or the county judge shall not be treated or held as of itself an acceptance of such an offer of dedication by the public authorities of the city or county, but when said public authorities are ready to accept or improve the public ways or other easement in the territory covered by said map or plat, they shall be accepted or improved in conformity with said map or plat.

Any person who shall lodge for record in the county clerk's office, and any county clerk or deputy of the county clerk who shall receive for record or permit to be lodged for record, any plat or map or deed or other instrument contrary to the provisions of this act, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars and not more than one hundred dollars for each offense.

§ 3. This Act shall be construed as the grant of additional power and authority to cities and not intended to limit or impair any existing power or authority of any city.

§ 4. This Act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	A. W. Dorsey	Martin Light
R. M. Amos	H. C. Duffy	Rufus Lisle
B. C. Beckmann	George W. Ellis	C. C. May
C. W. Bennett	Mrs. M. E. Flannery	Harry J. Meyers
J. E. Bickett	Dr. H. M. Fultz	Claude D. Minor
W. M. Boling	Ed. A. Gullion	R. C. Moore
Thos. Bowman	J. Edgar Hadden	S. H. Moore
Berl Boyd	Oscar P. Harvey	Ed. P. Murrah
John E. Brown	H. C. Hawkins	B. A. Muster
W. R. Button	Thos. O. Holder	C. D. McCaw
Sam A. Cary	David J. Howard	W. T. McGuire
Chas. Chandler	Frank J. Humbert	R. D. McMurtry
Lee Clark	Ira Jones	Geo. W. Newman
Bryce Cundiff	S. B. Lane	Brodie Payne
O. A. Denton	Oscar Leibson	Arch M. Quarles

R. I. Rice	R. F. Stewart	Oscar Vest
J. L. Richardson	Frank L. Strange	Geo. C. Waggoner
Arthur Saunders	Geo. F. Thompson	W. T. Walker
David I. Scott	S. G. Thornberry	W. D. Watkins
Lee L. Simons	D. D. Thornberry	W. G. Wheeler
George W. Smith	John M. Tinsley	J. B. Wicker
Ira D. Smith	Fred C. Vanhoose	T. C. Willis

—66

Those who voted in the negative were—

J. C. Day	R. O. Huntsman

—2

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 387. An Act to amend and re-enact Chapter 93 of the Acts of the General Assembly, of the Commonwealth of Kentucky, of 1920, entitled:

"An Act relating to revenue and taxation, requiring an excise or license tax to be paid on all gasoline sold at retail in this State, and requiring any person engaging in business of selling gasoline at retail to pay said tax for the privilege of engaging in said business; providing the manner of collecting said tax, requiring reports and fixing fines and penalties for violations of the Act."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 93 of the Acts of the General Assembly of 1920, be, and the same is hereby amended and re-enacted so that said chapter, when so amended and re-enacted, shall read as follows:

§ 1. All persons, corporations and associations engaged in Kentucky in the business of selling at retail gasoline, benzol, naphtha or other motor fuels commonly used in internal combustion engines, except kerosene, fuel oil or crude oil, shall pay a license tax of one cent on each gallon so sold and the said tax shall be for use in the construction and maintenance of State highways and shall be set apart in the State Treasury to the credit of the State road fund.

§ 2. The State Tax Commission is hereby authorized and empowered to prescribe and furnish all blanks, forms, books and reports necessary in carrying out the provisions of this act.

§ 3. Within thirty days after this act goes into effect every person, firm or corporation engaged in the sale at retail in Kentucky of gasoline, benzol, naphtha or other motor fuels, commonly used in internal combustion engines, except kerosene, fuel oil or crude oil, shall make a report, on blanks furnished as aforesaid, to the county court clerk, giving such information as will be called for in said blank report. Said report should be made to the county court clerk of the county in which the place or places of business of such person, firm or corporation is located. The county court clerk shall enter on a book kept for that purpose, the name of every retail dealer who sells the products covered by this act in his county. After this act becomes effective no person shall engage in selling by retail any of the products covered by the provisions of this act until he has made a report to the county court clerk and his name has been entered upon said book. If any person, firm or corporation engaged in selling by retail any of the

products covered by the provisions of this act, shall fail to make such report to the county court clerk, he or it shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars for each offense, and every week that such report is not made shall constitute a separate offense.

§ 4. On the first day of each month, it shall be the duty of every such retail dealer to make a report to the county court clerk showing the number of gallons of products covered by the provisions of this act which he or it sold during the preceding month, and at the same time, such dealer shall remit to the county court clerk the amount of tax due thereon. It shall also be the duty of every wholesale dealer to make a report to the county court clerk of each county in this Commonwealth in which such dealer has made sales of any of the products covered by the provisions of this act during the preceding month showing the name of the purchaser and the number of gallons sold in each instance. Said report shall be made on blank forms furnished as aforesaid, and in all cases where the said wholesale dealer has made sales direct to the consumer said report shall be accompanied by a remittance of the tax due thereon, and for failure to make such report the wholesale dealer shall be subject to the fines and penalties defined in Sctions 5 and 8 of this act. Within ten days after said tax is paid to the county court clerk he shall report the same to the Auditor of Public Accounts and at the same time pay said tax into the State Treasury.

§ 5. If any such dealer shall fail to make a report to the county court clerk on the first day of each month as aforesaid and shall fail to pay the tax due, he shall be guilty of a misdemeanor and shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars for each offense, but if such dealer shall make the report required and pay all tax due before judgment for such fine has been entered against him, any prosecution shall be dismissed, but he shall be required to pay 20 per cent penalty on the tax due.

§ 6. The county court clerk shall be required to execute

a bond conditioned that he will duly account for all money that may come into his hands under the provisions of this act. The amount of the bond shall be fixed by the county court and shall be sufficient to cover all money that may come into his hands by reason of the provisions of this act. Said bond shall be entered of record in the office of the county court clerk and shall be approved by the county judge. If any county clerk shall fail to make a report to the Auditor as herein required and pay the tax due into the State Treasury as required, he shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars for each offense, which may be recovered by indictment in the Franklin Circuit Court.

§ 7. It shall be the duty of the State Tax Commission to enforce the provisions of this act, and the said commission shall have the right itself, or by any of its members or employes, to examine the books of every such dealer and to cause to be instituted by the revenue agents proceedings to collect any tax which has not been paid according to law; and in all cases where the tax has been paid according to law, and is collected by proceedings in any court, a penalty of twenty per cent shall be added to the amount due, in addition to the penalties authorized to be collected in revenue agents' proceedings under Section 4263-4, Volume 3 of Kentucky Statutes. The said penalty of twenty per cent shall be paid into the State Treasury as a part of the tax.

§ 8. If any such dealer or any county clerk makes a false report under the provisions of this act, he shall be guilty of the offense of false swearing.

§ 9. For his services herein under the provisions of this act, the county court clerk shall be allowed to withhold as his commission one per cent of the amount of the tax so collected.

§ 10. Any person, firm or corporation who shall sell any of the products covered by the provisions of this act to any individual, firm, corporation or association who or which does not sell such gasoline to the retail trade, shall be deemed a retail dealer.

§ 11. If any section or any part thereof of this act shall be declared unconstitutional, such decision shall not affect any other part of this act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	H. C. Hawkins	S. R. Powell
R. M. Amos	David J. Howard	R. I. Rice
B. C. Beckmann	Frank J. Humbert	Arthur Saunders
C. W. Bennett	Lester Jeter	David I. Scott
J. E. Bickett	Ira Jones	Lee L. Simons
W. M. Boling	Wright Kelly	Ira D. Smith
Thos. Bowman	H. R. Lawrence	R. F. Stewart
Berl Boyd	Oscar Leibson	Frank L. Strange
John E. Brown	Leon P. Lewis	H. V. Thompson
W. R. Button	Martin Light	Geo. F. Thompson
Chas. Chandler	C. C. May	H. Q. Thompson
Lee Clark	Harry J. Meyers	S. G. Thornberry
E. B. Cross	Claude D. Minor	D. D. Thornberry
Bryce Cundiff	R. C. Moore	John M. Tinsley
J. C. Day	S. H. Moore	Garnett W. Tolin
O. A. Denton	C. D. McCaw	N. I. Toombs
A. W. Dorsey	W. T. McGuire	Chas. B. Truesdell
George W. Ellis	R. D. McMurtry	Fred C. Vanhoose
Mrs. M. E. Flannery	Chas. A. Nelson	Oscar Vest
Emery L. Frazier	Geo. W. Newman	W. T. Walker
W. L. Gossett	D. A. O'Donovan	W. S. Wallen
Bryant Green	C. C. Olney	W. D. Watkins
Ed. A. Gullion	James Park	W. G. Wheeler
J. Edgar Hadden	Brodie Payne	J. B. Wicker
Oscar P. Harvey	H. Walter Pierce	T. C. Willis

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Those who voted in the negative were—

R. O. Huntsman John L. Trumbo

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Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The hour of twelve-thirty having arrived, Mr. Boling moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of one-thirty o'clock having arrived the Speaker called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 388. An Act to amend an Act relating to revenue and taxation, and entitled: "An Act relating to revenue and taxation, creating a State Tax Commission, providing for the appointment, qualification and term of office of its members, prescribing its powers and duties, appropriating money therefor, providing for the assessments, of property for taxation, and the supervision and equalization of assessments, and prescribing the powers and duties of county clerks, county tax commissioners, sheriffs, collectors, railroad commission, Auditor of Public Accounts, and other officers performing some

duty in reference to the taxation of property, creating county boards of supervisors, a State Board of Equalization and State Board of Valuation and Assessment, and defining their powers and duties, prescribing penalties, and repealing existing statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of Sub-division 1 of Chapter 1 of an Act of the General Assembly of the Commonwealth of Kentucky, approved April 11, 1917, Special Session Laws, 1917, be amended by repealing said Section 1 and inserting in lieu thereof the following, so that when said section is amended by substituting and re-enacting in lieu thereof, the same shall read as follows:

Section 1. Membership and Qualification. There shall be a State Tax Commission composed of three commissioners, two of whom shall be from one of the two dominant political parties, and one from the other dominant political party. The members shall be electors of the State, freeholders, and not less than thirty years of age.

§ 2. That Section 2 of Sub-division 1 of Chapter 1 of an Act of the General Assembly of the Commonwealth of Kentucky, approved April 11, 1917, Special Session Laws, 1917, be amended by repealing said Section 2 and inserting in lieu thereof the following, so that when the following is substituted and re-enacted in lieu thereof, the same shall read as follows:

Section 2. At the expiration of the terms of the present members the Governor, by and with the advice and consent of the Senate, shall appoint their successors, each of whom shall serve for a term of four years from his appointment and qualification, and until his successor shall have been appointed and qualified. The commissioners shall be eligible

for reappointment. They shall during their term of office reside at the State Capital.

§ 3. That Section 11 of Sub-division 2 of Chapter 1 of an Act of the General Assembly of the Commonwealth of Kentucky, approved April 11, 1917, Special Session Laws, 1917, be amended by repealing said Section 11 and inserting in lieu thereof the following, so that when said section is amended by substituting and re-enacting the following in lieu thereof, the same shall read as follows:

Section 11. The State Tax Commission shall exercise all the powers and perform all the duties with reference to the assessment or equalization of property for the purpose of taxation heretofore exercised or performed by any State Board of Valuation and Assessment, by the Railroad Commission, by the State Board of Equalization, or by any other State board or commission, or State officer, except the Insurance Department in the office of the Auditor of Public Accounts. The State Tax Commission shall have sole power to assess the physical or tangible value and franchise value of all property belonging to telegraph companies or corporations, pipe line companies or corporations and telephone companies or corporations, which telephone companies operate and have exchanges or toll lines in more than three counties of the State, all of whose franchise values they may be required by this or any other law to assess for taxation, whether or not such physical or tangible values have heretofore been assessed locally or not. The total assessed valuation of such property, together with the franchise value, shall be equalized with the assessed valuation of similar classes of property throughout the State, and be apportioned to the various taxing districts of the State in the manner provided by law. For the purpose of ascertaining the tangible and franchise value of property the commission shall require a report from such companies in such form and containing such data as the commission may deem meet. And all such powers and duties are hereby transferred to the State Tax Commission to be exercised and per-

formed exclusively by it. It shall exercise such other powers with reference to State taxes and assessments by State authority as may be conferred upon it by law. It shall be the duty of the Attorney General, when requested by the State Tax Commission, to attend the meetings of the commission and advise with the same in its proceedings.

§ 4. That Paragraph 2 of Sub-section 3 of Section 12 of Sub-division 2 of Chapter 1 of an Act of the General Assembly of the Commonwealth of Kentucky, approved April 11, 1917, Special Session Laws, 1917, be amended by repealing said paragraph and substituting in lieu thereof the following, so that when said paragraph is amended by repealing same, and the following is substituted and re-enacted in lieu thereof, the same shall read as follows:

Before the first day of July of each year the State Tax Commission shall deliver to each county clerk for the use of the county tax commissioner and his deputies, a sufficient number of tax books and blank schedules for the assessment of property of such county.

§ 5. That Section 14 of Sub-division 3 of Chapter 1 of an Act of the General Assembly of the Commonwealth of Kentucky, approved April 11, 1917, Special Session Laws, 1917, be amended by repealing said Section 14 and inserting in lieu thereof the following, so that when said section is so amended by substituting and re-enacting in lieu thereof, the following, the same shall read as follows:

Section 14. County Clerks—Report of Sale. On or before July 10th of each year, each county clerk shall prepare on blanks which shall be furnished by the State Tax Commission, and shall file with the State Tax Commission, a tabulated statement of all sales of real estate as shown by the deed books of his county for one year immediately preceding July first, or for such other period as the State Tax Commission may require.

The said statement shall contain the list of all sales of real estate, town lots being kept separate from other real

estate, the price paid, with terms and conditions, the number of acres and the assessed value of same for the previous year. Where less than a fee simple title is given said statement shall show the interest conveyed; and if only a part of a tract of land or a town lot is sold it shall give a short description of same and state what proportion it bears to said tract or lot.

Said statement shall be sworn to by said clerk and the county attorney, and the latter in his affidavit shall state that he has examined the recorded and unrecorded conveyances filed for said time and that each and every conveyance, with the consideration therefor and the assessed values, is correctly given in said statement.

For his service in making said tabulated statement the clerk shall be paid a reasonable compensation by the county court. If any clerk fails to file with the State Tax Commission on or before July tenth in any year the tabulated list of sales as provided in this Act, he shall be fined not less than fifty dollars nor more than two hundred dollars, and each day's delay shall constitute a separate offense.

§ 6. That Section 15 of Sub-division 3 of Chapter 1 of an Act of the General Assembly of the Commonwealth of Kentucky, approved April 11, 1917, Special Session Laws, 1917, be amended by repealing said Section 15 and inserting in lieu thereof the following, so that when said section is so amended by repealing and re-enacting the following in lieu thereof, the same shall read as follows:

Section 15. The county tax commissioner shall complete the assessment of the property by January first of each year and shall make out his tax books, showing the total property in each incorporated town and the total property in each magisterial district of the county, and the grand total of all property in the county, and shall verify the correctness of same, and on or before January first of each year shall file said tax books after the same have been completed, as above set out, with the county court clerk, and shall on or before said date file the schedules containing a list of the in-

tangible personal property with the State Tax Commission, and the clerk shall file said tax books and preserve same. The schedules shall be destroyed after five years. The State Tax Commission shall examine the schedules of intangible personal property, and shall return to the county board of supervisors such schedules as, in its opinion, are incorrect either by reason of the omission or the undervaluation of such property. After the county board of supervisors has corrected the tax books they shall return such intangible schedules to the State Tax Commission. The intangible schedules shall be filed and preserved by the State Tax Commission for a period of twelve years, and shall not be public records except to the extent as provided under the provisions of this Act.

The county court clerk shall test the accuracy of the extensions and additions as shown by the tax books of each incorporated town and each magisterial district, and the grand total, on blanks to be furnished by the State Tax Commission, and record said recapitulation in said tax books with his official certificate attached thereto. The county court clerk shall immediately thereafter, and not later than the second Monday in January, file with the State Tax Commission a certified copy of said recapitulation, showing the total assessment of each incorporated town, the total assessment of each magisterial district, and the grand total assessment for the county for each item of property assessed therein.

§ 7. That Section 16 of Sub-division 3 of Chapter 1 of an Act of the General Assembly of the Commonwealth of Kentucky, approved April 11, 1917, Special Session Laws, 1917, be amended by repealing said Section 16 and inserting in lieu thereof the following, so that when said section is amended by repealing the same and substituting in lieu thereof the following, the same shall read as follows:

Section 16. Tax Commission as Board of Equalization. The State Tax Commission shall convene at the State Capitol as the State Board of Equalization on the second Monday in January each year for the purpose of equalizing the assess-

ment of property between the counties and between the different classes of property and between individuals, companies, corporations and associations therein, and shall continue in session from day to day for said purpose until said equalization has been completed.

At this session, the State Board of Equalization, shall carefully examine the recapitulation of the county tax commissioner's books from each county, and shall compare it with such data as they may obtain from any source, to determine whether the assessments conform to law.

The State Tax Commission shall have power to increase or decrease the aggregate assessed valuation of the property in any county or taxing district thereof, or any class of property, or any item in any class. It may increase or decrease the assessed valuation of the property of any individual, company, association, co-partnership, or corporation before or after the meeting of the county board of supervisors; but before making any increase or decrease it must first give notice to the county judge of the county and to the individual, association, company, co-partnership or corporation to be affected, of not less than five days, of its intention to make such increase or decrease, and afford such individual, association, company, co-partnership or corporation and the county judge an opportunity to be heard. Should such individual, association, company, co-partnership or corporation, or the county judge, be dissatisfied with the judgment of the State Tax Commission and desire to appeal from the action of said State Tax Commission, they may do so under the terms and provisions of Chapter 89 of the Acts of the General Assembly of 1920, except that the individual, association, company, co-partnership or corporation shall not be required to have the consent of the fiscal court to prosecute said appeal.

§ 8. That Section 25 of Sub-division 3 of Chapter 1 of an Act of the General Assembly of the Commonwealth of Kentucky, approved April 11, 1917, Special Session Laws, 1917, be amended by repealing said Section 25 and inserting in lieu

thereof the following, so that when said section is amended by substituting and re-enacting in lieu thereof the following, the same shall read as follows:

Section 25. Time of Sessions—Duties and Compensation of Clerk. The board of supervisors shall continue in session at its first meeting in each year not less than two nor more than twelve days in counties not containing a city of the first, second, third, fourth or fifth class; in counties having herein a city of the first class, the board may remain in session fifty days; in counties having therein a city of the second class the board may remain in session forty days; in counties having therein cities of the third, fourth and fifth class the board may remain in session twenty-five days. The clerk of the county court shall act as clerk of the board of supervisors. He shall be allowed the same compensation for his services as a member of the board, and be paid in the same way. It shall be the duty of the said clerk to prepare and deliver to the sheriff a list of the names of all persons whose property has been raised by the board of supervisors, and the amount thereof.

§ 9. It is the intention of the Legislature in enacting this law to enact each section and sub-section thereof separately and specifically, and if any section or any sub-section thereof shall be held invalid or unconstitutional the same shall not be held to affect in any wise any other section or sub-section of this Act, but they shall remain in full force and effect. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Clark offered the following Amendment, viz:

"Amend H. B. 388 by striking out Sec. 7 thereof."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	Arch M. Quarles
R. M. Amos	J. T. Jennings	R. I. Rice
B. C. Beckmann	Lester Jeter	J. L. Richardson
C. W. Bennett	Ira Jones	Arthur Saunders
J. E. Bickett	Wright Kelly	David I. Scott
W. M. Boling	S. B. Lane	Ira D. Smith
Thos. Bowman	H. R. Lawrence	R. F. Stewart
Berl Boyd	Oscar Leibson	Frank L. Strange
John E. Brown	Leon P. Lewis	H. V. Thompson
W. R. Button	Martin Light	H. Q. Thompson
Sam A. Cary	C. C. May	S. G. Thornberry
Lee Clark	Harry J. Meyers	John M. Tinsley
E. B. Cross	Claude D. Minor	Garnett W. Tolin
Bryce Cundiff	R. C. Moore	N. I. Toombs
O. A. Denton	S. H. Moore	Chas. B. Truesdell
A. W. Dorsey	B. A. Muster	Fred C. Vanhoose
W. D. Duncan	W. T. McGuire	Oscar Vest
George W. Ellis	R. D. McMurtry	Geo. C. Waggoner
Emery L. Frazier	Chas. A. Nelson	W. T. Walker
Dr. H. M. Fultz	Geo. W. Newman	W. D. Watkins
Bryant Green	C. C. Oney	W. G. Wheeler
Ed. A. Gullion	James Park	J. B. Wicker
J. Edgar Hadden	Brodie Payne	T. C. Willis
Arch L. Hamilton	H. Walter Pierce	
H. C. Hawkins	S. R. Powell	—73

Those who voted in the negative were—

J. F. Bosworth	W. L. Gossett	R. O. Huntsman
Chas. Chandler	Oscar P. Harvey	

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Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Dorsey of the Committee on Enrollment announced that they had examined and found correctly enrolled, bills and resolutions of the following titles, viz:

H. B. 85. An Act to amend and re-enact Sec. 1475, Kentucky Statutes, Carroll's Edition, 1915, relating to illiterate, blind and disabled voters.

Thereupon all other business was suspended the said bill was read at length and compared in open House and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk of this House deliver said enrolled bill to the Governor.

After a time the Clerk reported that he had discharged that duty.

Also the following Resolutions and bills, viz:

S. Res. 22. Resolution covering increased pay for Clerks of Senate and Clerks of House.

S. Res. 17. Resolution memoralizing Congress to change the Revenue laws.

S. Res. 16. Resolution for the benefit of certain officers and employees of the General Assembly.

S. Res. 15. Resolution for the benefit of Martin Glenn and Clifford Thomas, Janitors of the Senate and House of Representatives.

S. B. 14. An Act to provide for the establishment of two normal schools for the training of white elementary teachers, and appropriating moneys for the maintenance and operation thereof.

S. B. 3. An Act to repeal Chapter 38 of the Acts of the General Assembly of 1920, relating to the election and qualification of members of boards of trustees in graded common school districts; also Chapter 46 of the Acts of the General Assembly of 1920, relating to the establishment of independent, consolidated, graded and high school; also Chapter 25 of the Acts of the General Assembly of 1920, relating to the condemnation of land by boards of trustees of graded common school districts; also Sec. 4464, Sec. 4500, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the management and control of graded common school districts; and in order to provide for a better system of graded schools and to provide for a more effective management and control of graded common schools in this Commonwealth, be there enacted in lieu of the above, the following sections, relating to the management and conduct of graded common school districts.

Thereupon all other business was suspended and said resolutions and bills were read at length and compared in open House and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 336. An Act relating to the inspection of illuminating oils and gasoline, abolishing the office of "Oil Inspector" and creating the office of Oil Tester and Gauger; providing for the payment of said officers and disposing of the inspection fees collected.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The office of Oil Inspector as provided for in Chapter 59, General Statutes (Section 2204, &c., Carroll's 1915 Statutes), is hereby abolished, and each and every Oil Inspector in the Commonwealth to hold office until July 1st, 1922.

2. On or before July the first, 1922, the judge of the county court in each and every county in the Commonwealth shall appoint for such county an official Tester and Gauger of Oils, except in counties having therein cities of the first class, wherein such appointment shall be made by the State Tax Commission. Such officers shall be appointed for a term of four years; shall take office on July 1st upon or after the date of his appointment, and shall qualify by taking the oath of office as required of other officers of the Commonwealth, and by giving the bond required by section 2212, Carroll's 1915 Kentucky Statutes, and may be removed from office by the appointing authority, on notice, for misconduct, negligence, incompetency, misfeasance or malfeasance.

3. Such inspector shall perform all the duties, have all the powers and authority and be under the same restrictions and rules as are provided now by law as to and for oil inspectors, particularly Section 2202 to 2217, Carroll's 1915 Kentucky Statutes.

4. Each Tester and Gauger of Oils, in this Commonwealth, shall on the fifteenth and first day of each and every month report and pay all inspection fees collected by him to the Auditor of Public Accounts, and the Auditor shall keep a separate account of the moneys reported and paid by each Tester and Gauger of Oils.

5. On the first day of each month the Auditor shall draw his warrant payable to each Tester and Gauger for the amount which he has reported and paid for the previous month, in no instance however to exceed the sum of three hundred ($300.00) dollars per month to any Tester or Gauger for any one county, and the total warrant in any twelve-month not to exceed the sum of three thousand six hundred ($3,600.00) dollars. The purpose being to limit the salary of each Tester and Gauger to a sum not exceeding $3,600.00 per year, and to limit the monthly payments to a sum of not exceeding $300.00.

6. In counties having therein a city of the first class, the State Tax Commissioners may in their discretion appoint one Assistant Tester and Gauger, who shall receive his compensation in the same manner as the chief officer, the compensation not to exceed the sum of $2,400.00 per year, and to be paid in installments of not more than $200.00 per month.

7. Any and all surplus remaining to the credit of any Tester and Gauger at the close of any year, after the payment of the compensation of the Tester and Gauger and assistant, shall be by the Auditor placed to the credit of any fund in the Auditor's hands to be used in furtherance and aid of the work, of the State University, Lexington, Ky., and of the Eastern and Western Normal Schools of Richmond and Bowling Green, Ky., pro rated in the same proportion as the State funds are now pro rated.

8. The Oil Tester appointed for each county in this Commonwealth as herein provided for shall perform the same duties and charge the same fees as compensation for the services rendered by him in the testing of oil in his county

as is now paid and provided for in Section 2211 of Chapter 21, Article III, Carroll's 1915 Edition of Kentucky Statutes, but such fees shall be reported by him and disposed of as hereinbefore provided for.

With an Amendment thereto by way of Substitute therefor.

Said Substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The office of "Oil Inspector" as now provided for in Chapter 59, General Statutes, (Section 2204, Carroll's Edition, 1915 Statutes), is hereby abolished, and each and every "Oil Inspector" in the Commonwealth to hold office until July 1, 1922.

§ 2. On or before July 1, 1922, the judge of the county court in each and every county of the Commonwealth shall appoint for such county an official tester and gauger of oils. Such officers shall be appointed for a term of four years; they shall take office on July 1st, upon or after the date of their appointment, and shall qualify by taking the oath of office as required of other officers of the Commonwealth, and by giving the bond required by Section 2212, Carroll's 1915 Edition of the Kentucky Statutes, and may be removed from office by the appointing authority, on notice, for misconduct, negligence, incompetence, misfeasance or malfeasance.

§ 3. Such inspector or officer, tester and gauger of oils shall perform all of the duties, have all the powers and authority and be under the same restrictions and rules as provided now by law as to and for "Oil Inspectors," particularly Sections 2202 to 2217, Carroll's 1915 Kentucky Statutes.

§ 4. Each tester and gauger of oils, in this Commonwealth, shall on the first day of each and every month report and pay all inspection fees collected by him to the county

treasurer or equivalent officer in each county and the county treasurer or equivalent officer shall keep a strict account of the moneys reported and paid by each tester and gauger of oils.

§ 5. On the first day of each month the county treasurer or equivalent officer shall draw his warrant payable to each tester and gauger for the amount which he has reported and paid for the previous month, in no instance, however, to exceed the sum of $300.00 per month to any tester or gauger for any one county, and the total warrants in any twelve-month period shall not exceed the sum of $3,600.00, the purpose being to limit the salary of each tester and gauger to a sum not exceeding $3,600.00 per year, and to limit the monthly payment to a sum not exceeding $300.00.

§ 6. In counties having therein a city of the first class, the county judge may, with the approval of the fiscal court or the county commissioners, appoint one assistant tester and gauger of oils, who shall receive his compensation in the same manner as the chief officer, the compensation, however, not to exceed the sum of $2,400.00 per year, and to be paid in installments of not more than $200.00 per month.

§ 7. Any and all surplus remaining to the credit of any tester and gauger at the close of any year, after the payment of the compensation of the tester and gauger and assistant, shall be reported by the county treasurer or equivalent officer to the Auditor of Public Accounts of the Commonwealth and paid to said Auditor and shall be by said Auditor paid over to the State Treasurer of Kentucky to become a part of the special fund to be known as "Oil Inspection Fees," and all moneys collected and credited to said fund shall be used by the Commonwealth of Kentucky for the prevention of fires, explosions and accidents of a similar nature, either through contribution to the general fund or by special use of said funds.

§ 8. The fees to be paid the Oil Tester and Gauger in each county shall be the same as now provided by law for

the office of "Oil Inspector" in Section 2211 of Carroll's 1915 Edition of the Kentucky Statutes, but such fees shall be reported by him and disposed of as herein above provided.

§ 9. All gasolines and all petroleum products having a flash test of less than 100 degrees Fahrenheit, closed cup test, Elliott cup, whether manufactured in this State or not, shall be inspected as provided in this article before being sold or offered for sale or used in this State. It shall be the duty of the Oil Tester and Gauger to examine and test within this State all such gasolines and petroleum products of less than 100 degrees Fahrenheit, flash test, held or offered for sale or sold by any manufacturer, vender, person or firm or corporation in this State for gravity. The gravity of said gasolines and said petroleum products of less than 100 degrees Fahrenheit, flash test, shall be determined by the Tagliabue standard registered hydrometer, Beaume Scale, at a temperature of 60 degrees Fahrenheit. After making said examination and test he shall affix to the receptacle containing the same his brand showing the date of inspection, his name and the word "inspected."

Every person, firm or corporation selling or delivering any of the said gasolines or petroleum products of less than 100 degrees Fahrenheit, flash test, in this State in barrels or packages, shall plainly stencil or label on each barrel or package containing the same the words "Gravity not less than ——— degrees, Beaume. Unsafe for illuminating purposes. For power purposes only."

§ 10. As full compensation for his services, the Oil Tester and Gauger shall be paid an annual salary of not less than six hundred dollars ($600.00) and not more than thirty-six hundred dollars ($3,600.00), the amount in each county to be determined and fixed by the fiscal court or county commissioners thereof, as the case may be, to be paid out of the inspection fees collected and paid into the county treasury by the inspector, and which compensation shall not be increased during the term of office of the inspector; and in no

case shall said salary exceed the amount of inspection fees annually paid to the county treasurer by said Oil Tester and Gauger.

Mr. Park offered the following Amendment to said Substitute, viz:

"Amend Substitute for H. B. 336, by striking out the word, "to" in line 4, page 1, Section 1 and insert therefor the word, "may."

Said Amendment was agreed to.

Mr. Park offered the following Amendments to said Substitute, viz:

"Amend Substitute for H. B. 336 by striking out all of sections 2, 3, 4, 5, 6, 7, 8, 9, 10."

"Amend Substitute by striking out the words and figures "July 1, 1922" in line 4, page 1, section 1 and substituting therefor the words, "the expiration of the term for which he or she has been appointed."

"Amend substitute by inserting after the word, "abolished" and before the word "and" in line 3, page 1, Section 1, the words "and sections 2202 to 2217 inclusive of the Kentucky Statutes, Carroll's 1915 Edition are hereby repealed."

Said Amendment were each and severally disagreed to.

Mr. Hamilton offered the following Amendment to said Substitute, viz:

"Amend Substitute for H. B. 336 by striking out of section 10 all the words after words "salary of" to the word "not."

Said Amendment was agreed to.

Mr. Frazier offered the following Amendment to said Substitute, viz:

"Amend said Substitute by adding Sec. 11, "If any section or sections shall be declared unconstitutional, same shall not apply to the remaining sections."

Said Amendment was agreed to.

Mr. Park moved that Amendment No. 4 lie on the table.

Said motion was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	A. W. Dorsey	H. R. Lawrence
B. C. Beckmann	George W. Ellis	Leon P. Lewis
C. W. Bennett	Emery L. Frazier	Martin Light
J. E. Bickett	W. L. Gossett	Rufus Lisle
W. M. Boling	Bryant Green	C. C. May
Berl Boyd	Ed. A. Gullion	Claude D. Minor
John E. Brown	J. Edgar Hadden	R. C. Moore
W. R. Button	Arch L. Hamilton	S. H. Moore
Lee Clark	David J. Howard	B. A. Muster
Bryce Cundiff	Lester Jeter	W. T. McGuire
O. A. Denton	S. B. Lane	Chas. A. Nelson

D. A. O'Donovan	R. F. Stewart	Geo. C. Waggoner
C. C. Oney	Frank L. Strange	W. T. Walker
Brodie Payne	H. V. Thompson	W. S. Wallen
H. Walter Pierce	S. G. Thornberry	W. D. Watkins
R. I. Rice	D. D. Thornberry	W. G. Wheeler
Lee L. Simons	Garnett W. Tolin	J. B. Wicker
Ira D. Smith	N. I. Toombs	T. C. Willis

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Those who voted in the negative were—

R. M. Amos	J. T. Jennings	J. L. Richardson
J. F. Bosworth	Ira Jones	Arthur Saunders
Thos. Bowman	Wright Kelly	David I. Scott
Chas. Chandler	Oscar Leibson	Reuben E. Skaggs
E. B. Cross	Ed. P. Murrah	Geo. F. Thompson
J. C. Day	R. D. McMurtry	John M. Tinsley
Dr. H. M. Fultz	E. E. Nelson	Chas. B. Truesdell
Oscar P. Harvey	Geo. W. Newman	John L. Trumbo
Thos. O. Holder	James Park	Fred C. Vanhoose
Frank J. Humbert	S. R. Powell	Oscar Vest
R. O. Huntsman	Arch M. Quarles	

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Resolved that the title thereof be as aforesaid.

Mr. Ira D. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 174. An Act to provide for the Commitment, Government and Conduct of Delinquent Children, Committed to the Houses of Reform, during their confinement in said Houses of Reform and while on Parole and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All commitments by county courts or other courts having power to commit minors to the Houses of Reform shall be until such minor shall arrive at the age of twenty-one.

§ 2. A delinquent child committed to the Houses of Reform by a court other than a circuit court shall not be allowed to be released from the Houses of Reform except:

(a) Upon arrival at the age of twenty-one;

(b) Upon being discharged by the State Board of Charities and Corrections;

(c) Upon being paroled by the State Board of Charities and Corrections.

§ 3. A delinquent child committed to the Houses of Reform by a court other than a circuit court may be allowed to go out on parole at such time and on such terms as shall be prescribed by rules of the State Board of Charities and Corrections, and not otherwise; and the said board shall have the right to apprehend a paroled child who, in its judgment. should be returned to the House of Reform.

§ 4. Where a minor is committed to the Houses of Reform for the duration of his minority, by a circuit court, after having been sentenced upon a conviction in said court, the State Board of Charities and Corrections shall have the right to grant to such minor a parole in the same manner as is above provided, except that such parole must have the approval of the Governor. And upon the attainment of majority, such child, if the sentence imposed upon him by the circuit court has not expired, be transferred to one of the penitentiaries; but if he shall then be out on parole he shall be dealt with as if he had been paroled from one of the penitentiaries.

§ 5. All laws and parts of laws in conflict herewith are hereby repealed.

§ 6. The discipline of the institutions dealt with in this Act is much hampered by the doubt now existing as to the term for which courts shall commit boys and girls to these institutions, and the further doubt as the power of the State Board to efficiently supervise the conduct of the boys and girls committed to its charge; therefore an emergency is hereby declared and this Act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Bryant Green	C. D. McCaw
R. M. Amos	Ed. A. Gullion	E. E. Nelson
B. C. Beckmann	J. Edgar Hadden	Geo. W. Newman
C. W. Bennett	Arch L. Hamilton	D. A. O'Donovan
J. E. Bickett	David J. Howard	C. C. Oney
W. M. Boling	Lester Jeter	James Park
Berl Boyd	Ira Jones	Brodie Payne
W. R. Button	S. B. Lane	H. Walter Pierce
Sam A. Cary	H. R. Lawrence	R. I. Rice
E. B. Cross	Leon P. Lewis	Arthur Saunders
Bryce Cundiff	Martin Light	Lee L. Simons
O. A. Denton	Rufus Lisle	Ira D. Smith
A. W. Dorsey	C. C. May	R. F. Stewart
W. D. Duncan	Harry J. Meyers	H. V. Thompson
George W. Ellis	Claude D. Minor	S. G. Thornberry
Mrs. M. E. Flannery	R. C. Moore	D. D. Thornberry
Emery L. Frazier	S. H. Moore	Garnett W. Tolin

N. I. Toombs	W. T. Walker	W. G. Wheeler
Chas. B. Truesdell	W. S. Wallen	J. B. Wicker
Oscar Vest	W. D. Watkins	T. C. Willis

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Those who voted in the negative were—

Thos. Bowman	J. T. Jennings	Reuben E. Skaggs
Chas. Chandler	Wright Kelly	Geo. F. Thompson
J. C. Day	Ed. P. Murrah	H. Q. Thompson
W. L. Gossett	R. D. McMurtry	John M. Tinsley
Thos. O. Holder	S. R. Powell	John L. Trumbo
Frank J. Humbert	J. L. Richardson	
R. O. Huntsman	David I. Scott	

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Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 433. An Act relating to Public Safety; providing for certain devices to be used in the operation of Motion Picture Machines, and a penalty for the violation of the law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each and every person, firm, corporation, partnership, or association engaged in the business of operating a moving picture theater, or displaying moving pictures, in this Commonwealth, shall at all times use only machines of ap-

proved design, having both reels enclosed in approved magazines constructed of metal (free from the use of solder) having spring hinged self-closing doors in front side, equipped with a substantial latch and so arranged as not to permit the entrance of flame. Each and every machine, irrespective of how and where used shall be equipped with a circuit breaker device, which said device shall have the approval and endorsement of the Underwriters Laboratories, Incorporated, and such that will stop the motor and automatically cut off the heat and power in case of a breakage of the film or film belt. Such device shall at all times be so arranged as to accomplish the purpose above set out.

§ 2. Any person, firm, corporation, partnership or association, their agents or servants operating a moving picture machine without complying with the provisions set out in Paragraph 1 (one) hereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than one thousand dollars, or confined in the county jail not less than one nor more than six months, or both so fined and imprisoned within the maximum, at the discretion of the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	J. E. Bickett	W. R. Button
B. C. Beckmann	W. M. Boling	Sam A. Cary
C. W. Bennett	Thos. Bowman	Chas. Chandler

Lee Clark	H. R. Lawrence	David I. Scott
E. B. Cross	Oscar Leibson	Lee L. Simons
J. C. Day	Leon P. Lewis	Reuben E. Skaggs
O. A. Denton	Rufus Lisle	Ira D. Smith
A. W. Dorsey	Claude D. Minor	R. F. Stewart
George W. Ellis	R. C. Moore	Geo. F. Thompson
Mrs. M. E. Flannery	S. H. Moore	H. Q. Thompson
Emery L. Frazier	B. A. Muster	S. G. Thornberry
Dr. H. M. Fultz	C. D. McCaw	Chas. B. Truesdell
J. Edgar Hadden	Geo. W. Newman	Fred C. Vanhoose
Arch L. Hamilton	D. A. O'Donovan	Oscar Vest
Frank J. Humbert	C. C. Oney	W. T. Walker
R. O. Huntsman	H. Walter Pierce	W. S. Wallen
J. T. Jennings	S. R. Powell	W. D. Watkins
Ira Jones	R. I. Rice	
Wright Kelly	Arthur Saunders	—55

Those who voted in the negative were—

Berl Boyd	R. D. McMurtry	W. G. Wheeler
W. D. Duncan	Brodie Payne	J. B. Wicker
Bryant Green	Arch M. Quarles	
Lester Jeter	John M. Tinsley	—10

Resolved that the title thereof be as aforesaid.

Mr. Dorsey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 54. An Act to amend and re-enact section 4042a-8, article 2, Chapter 108 of an Act entitled: "An Act to abolish the assessor's office and to provide in lieu thereof a county tax commission, etc."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4042a-8, Article 2, Chapter 108, of an Act entitled, "An Act to abolish the assessor's office and to provide in lieu thereof a county tax commission; prescribing the duties and qualifications of the county tax commission, and the duties of taxpayers in relation thereto," which became a law March 16, 1918, and relating the compensation allowed county tax commissioners, be amended by adding after the last word, "provided," the following:

In counties containing a city of the second class on the first of April, 1922, and the first of each calendar month thereafter, the Auditor of Public Accounts shall draw his warrant upon the treasurer for three hundred dollars, which shall be paid to the county tax commissioner, said three hundred dollars being an advancement to the tax commissioner, by the Commonwealth of Kentucky to defray necessary official expenses and partial payment upon the salaries of himself and deputies. Said sum shall be deducted from the total paid the tax commissioner by law when the yearly settlements are made. Should the tax commissioner die, resign or be removed from office, or should the office of tax commissioner in counties containing a city of the second class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made. So that said section as amended shall read as follows:

The county tax commissioner shall, after he has returned his tax books and the State Tax Commission has passed upon the assessment of property in his county and has certified the total amount at which said county has been assessed to the county board of supervisors, such officer shall present to the county court his account verified by affidavit stating the total assessed value of the property listed by him as shown by his tax books, and the county court shall approve

and allow fifty per cent of the amount due the county tax commissioner, based upon the certification of the State Tax Commission. When a copy of said order of allowance is presented to the Auditor of Public Accounts, he shall draw his warrant in favor of the county tax commissioner for the amount so certified. When the county board of supervisors has completed its work and has certified to the State Tax Commission the total value of assessed property in the county, the county tax commissioner shall present his account for the balance due him to the county court, which shall be allowed in the manner now provided by law, and upon certification to the Auditor of Public Accounts of the balance due, the auditor shall draw his warrant payable to the county tax commissioner for the remaining fifty per cent due for the services required of him by law, which shall be based on the total value of the assessments made by him as above required as follows: Five cents on the one hundred dollars of the first million and two cents on each one hundred dollars of the excess over one million, but no county tax commissioner shall be entitled to receive more than four thousand dollars for his services during any year. In counties in which the assessed value of property exceed twenty million dollars, the county tax commissioner shall be allowed as compensation to the deputies appointed and qualified the sum of fifteen hundred dollars for each seven and one-half million dollars of property which may be assessed in excess of twenty million dollars; provided, however, the total sum allowed to any county tax commissioner and his deputies shall not exceed seven thousand dollars in any county, except in a county having a city of the first class in such county the present law shall remain in force. The counties shall allow to the assessor for assistance fifteen hundred dollars in any county assessing more than thirty-five millions in taxable property. In counties where the assessment does not exceed one million dollars the county tax commissioner shall be paid six cents on the one hundred dollars of the entire property listed. Provided, however, in

counties containing a city of the second class on the first of April, 1922, and the first of each calendar month thereafter, the auditor of public accounts shall draw his warrant upon the treasurer for three hundred dollars, which shall be paid to the county tax commissioner, said three hundred dollars being an advancement to the county tax commissioner, by the Commonwealth of Kentucky, to defray necessary official expenses and partial payment upon the salaries of himself and deputies. Said sum shall be deducted from the total paid the tax commissioner by law when the yearly settlements are made. Should the tax commissioner die, resign or be removed from office, or should the office of tax commissioner in counties containing a city of the second class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made.

§ 2. Because of the necessity of keeping deputies constantly in the office of the county tax commissioner in counties containing cities of the second class, and because no provision is now made by law for the payment of salaries to deputies, or for the defraying of necessary office expenses, an emergency is hereby declared to exist, and this Act shall become effective from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	C. W. Bennett	W. M. Boling
B. C. Beckmann	J. E. Bickett	Thos. Bowman

Berl Boyd	Oscar Leibson	R. F. Stewart
W. R. Button	Martin Light	Frank L. Strange
Chas. Chandler	Harry J. Meyers	H. V. Thompson
Lee Clark	Claude D. Minor	H. Q. Thompson
E. B. Cross	S. H. Moore	D. D. Thornberry
Bryce Cundiff	B. A. Muster	John M. Tinsley
O. A. Denton	C. D. McCaw	Garnett W. Tolin
W. D. Duncan	E. E. Nelson	N. I. Toombs
George W. Ellis	Geo. W. Newman	Chas. B. Truesdell
Emery L. Frazier	D. A. O'Donovan	Fred C. Vanhoose
Dr. H. M. Fultz	C. C. Oney	Oscar Vest
W. L. Gossett	Brodie Payne	Geo. C. Waggoner
Bryant Green	H. Walter Pierce	W. T. Walker
J. Edgar Hadden	Arch M. Quarles	W. S. Wallen
David J. Howard	R. I. Rice	W. D. Watkins
Lester Jeter	Arthur Saunders	J. B. Wicker
Ira Jones	Lee L. Simons	T. C. Willis
H. R. Lawrence	Ira D. Smith	—59

Those who voted in the negative were—

J. C. Day	Geo. F. Thompson	W. G. Wheeler

—3

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 296. An Act relating to Banks and repealing subsection 9 of Section 165a of Kentucky Statutes and re-enacting the same.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sub-section 9 of Section 165a, Kentucky Statutes, 1915 Edition, be and the same is hereby repealed, and the following is re-enacted in lieu thereof, and that same when so re-enacted shall read as follows: Every bank shall have each report made to the commissioner and for the filing thereof without recording pay to the commissioner a fee of one ($1.00) dollar; and for each examination herein provided for shall pay to the commissioner forthwith the following fees: For the examination of any bank having a capital and surplus of $20,000, or less, the sum of twenty dollars; those having a capital and surplus above $20,000, but less than $50,000, the sum of twenty-five dollars; those having a capital and surplus of $50,000, and up to and including $100,000, the sum of forty dollars; for those having a capital and surplus in excess of $100,000, the sum of ten dollars for each additional $100,000 or fraction thereof; and also $2.00 for each additional $100,000 or fraction thereof of assets in excess of $1,000,000. All moneys collected by the Banking Department for such examinations shall be paid as collected into the State Treasury.

Ordered that said bill be read the third time.

The Constitutional provision as to the reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	David J. Howard	Geo. F. Thompson
B. C. Beckmann	R. O. Huntsman	H. Q. Thompson
C. W. Bennett	H. R. Lawrence	S. G. Thornberry
W. M. Boling	Leon P. Lewis	D. D. Thornberry
Berl Boyd	Harry J. Meyers	John M. Tinsley
W. R. Button	Claude D. Minor	Garnett W. Tolin
Lee Clark	B. A. Muster	N. I. Toombs
E. B. Cross	E. E. Nelson	Chas. B. Truesdell
Bryce Cundiff	D. A. O'Donovan	Fred C. Vanhoose
W. D. Duncan	C. C. Omey	W. T. Walker
George W. Ellis	James Park	W. S. Wallen
Mrs. M. E. Flannery	Brodie Payne	W. D. Watkins
Dr. H. M. Fultz	David I. Scott	W. G. Wheeler
W. L. Gossett	Lee L. Simons	J. B. Wicker
J. Edgar Hadden	Reuben E. Skaggs	T. C. Willis
Arch L. Hamilton	Ira D. Smith	
Oscar P. Harvey	R. F. Stewart	

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Those who voted in the negative were—

Lester Jeter Geo. C. Waggoner

—2

Resolved that the title thereof be as aforesaid.

Mr. Boling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill entitled:

S. B. 234. An Act to aid in procuring and providing additional land for a sight for the National Sanitorium and Hospital Clinic for sick, maimed and disabled soldiers, near Dawson Springs in Christian and Hopkins Counties in this Commonwealth and appropriate the necessary funds therefor.

Said bill was ordered printed and referred to Committee on Rules.

By unanimous consent the following bills were introduced, viz:

By Mr. Kelly.

H. B. 466. An Act to make all contests of elections of all offices tryable in the Courts of this Commonwealth.

By Mr. Rice.

H. B. 467. An Act to amend an Act, entitled, "An Act relating to roads and bridges, and establishing a system of primary roads for the State of Kentucky" and known as Chapter 17 of the Acts of 1920.

Said bills were ordered printed and referred to Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day the following Resolution, viz:

H. Res. 18. Joint Resolution for the benefit of the Stenographers to the Chief Clerk of Senate and Chief Clerk of House of Representatives and the Stenographer of the House.

Said resolution is as follows, viz:

Therefore be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the stenographers herein mentioned of the Senate and House of Representatives each be allowed two hundred dollars, to be paid out of the State Treasury, and the Auditor

of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of said stenographers of the Senate and House of Representatives for the amount named in this resolution.

Ordered that said Resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	J. L. Richardson
R. M. Amos	David J. Howard	Arthur Saunders
B. C. Beckmann	R. O. Huntsman	David I. Scott
C. W. Bennett	Ira Jones	Lee L. Simons
J. E. Bickett	S. B. Lane	Ira D. Smith
W. M. Boling	Oscar Leibson	R. F. Stewart
John E. Brown	Leon P. Lewis	Geo. F. Thompson
W. R. Button	Martin Light	H. Q. Thompson
Chas. Chandler	Rufus Lisle	D. D. Thornberry
E. B. Cross	C. C. May	John M. Tinsley
Bryce Cundiff	Harry J. Meyers	Garnett W. Tolin
O. A. Denton	Claude D. Minor	N. I. Toombs
A. W. Dorsey	S. H. Moore	Chas. B. Truesdell
W. D. Duncan	B. A. Muster	Oscar Vest
Mrs. M. E. Flannery	C. D. McCaw	W. T. Walker
W. L. Gossett	E. E. Nelson	W. S. Wallen
Bryant Green	C. C. Oney	W. D. Watkins
Ed. A. Gullion	James Park	W. G. Wheeler
J. Edgar Hadden	Brodie Payne	J. B. Wicker
Arch L. Hamilton	H. Walter Pierce	T. C. Willis

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Those who voted in the negative were—

Thos. Bowman	Frank J. Humbert	John L. Trumbo	
Lee Clark	Wright Kelly		
J. C. Day	R. D. McMurtry		—7

Resolved that the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Meyers moved that the Session be extended only for the purpose of receiving the report of the Committee on Enrollment and when said Committee had finished its report, the House do adjourn.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled a bill entitled:

H. B. 193. An Act providing for the registration of every voter in the Commonwealth of Kentucky; providing for the appointment of registrars for the purpose of registering voters of the Commonwealth of Kentucky in every precinct in the state; fixing the time and manner in which the voters of the Commonwealth of Kentucky shall register; providing the manner and means of such registration and prescribing and naming the qualifications of voters in the State of Kentucky; fixing the time a voter shall reside in the state, county, city or town and precinct in which he or she votes; naming a board for the purpose of preparing necessary forms, blanks and books for the carrying out of the provisions hereof; providing for the administration of an oath to all persons registering; fixing the pay of registrars in each and every pre-

cinct; providing for the notification of voters in each and every precinct of the time and place of sitting of the registrar in such precinct; providing for and designating certain days in the year 1922 and annually thereafter when the registrar of each and every precinct shall sit for the purpose of registering votes and amending and correcting the list of such precinct; providing penalties for the misfeasance, malfeasance and nonfeasance of registrars; providing penalties for the disturbance, intimidation and intereference with such registrars, and repealing any and all laws in conflict herewith.

Thereupon all other business was suspended and said bill was read at length and compared in open House and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver same to the Senate.

And then the House adjourned.

FRIDAY, MARCH 3, 1922.

The House was opened with prayer by the Rt. Rev. Father Klostermann of the Roman Catholic Church of Frankfort.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams	Thos. Bowman	F. B. Cross
R. M. Amos	Berl Boyd	Bryce Cundiff
B. C. Beckmann	John E. Brown	J. C. Day
C. W. Bennett	W. R. Button	O. A. Denton
J. E. Bickett	Chas. Chandler	A. W. Dorsey
W. M. Boling	Lee Clark	G. Lucien Drury

W. D. Duncan	Rufus Lisle	Lee L. Simons
George W. Ellis	C. C. May	Reuben E. Skaggs
Mrs. M. E. Flannery	Harry J. Meyers	George W. Smith
Emery L. Frazier	Harry B. Miller	Ira D. Smith
Dr. H. M. Fultz	Claude D. Minor	R. F. Stewart
W. L. Gossett	R. C. Moore	Frank L. Strange
Bryant Green	S. H. Moore	Geo. F. Thompson
Ed. A. Gullion	Ed. P. Murrah	H. Q. Thompson
J. Edgar Hadden	B. A. Muster	S. G. Thornberry
Arch L. Hamilton	W. T. McGuire	D. D. Thornberry
Oscar P. Harvey	R. D. McMurtry	John M. Tinsley
Thos. O. Holder	E. E. Nelson	Garnett W. Tolin
David J. Howard	Chas. A. Nelson	N. I. Toombs
Frank J. Humbert	Geo. W. Newman	Chas. B. Truesdell
R. O. Huntsman	D. A. O'Donovan	John L. Trumbo
J. T. Jennings	C. C. Oney	Fred C. Vanhoose
Lester Jeter	James Park	Oscar Vest
Ira Jones	Brodie Payne	Geo. C. Waggoner
Wright Kelly	H. Walter Pierce	W. T. Walker
S. B. Lane	S. R. Powell	W. S. Wallen
H. R. Lawrence	Arch M. Quarles	W. D. Watkins
Oscar Leibson	R. I. Rice	W. G. Wheeler
Leon P. Lewis	Arthur Saunders	J. B. Wicker
Martin Light	David I. Scott	

The reading of the Journal of yesterday's proceedings was dispensed with.

By unanimous consent the following bills were introduced, viz:

By Mr. Lisle.

H. B. 468. An Act establishing a road to lead from Lancaster, in Garrard County, via Crab Orchard, in Lincoln County to Mt. Vernon, in Rockcastle County, as a State Primary Road, and designating same as Project No. 23A.

By Mr. Lewis.

H. B. 469. An Act to amend and re-enact subsec. 6, Sec. 1550 of the Kentucky Statutes, Carroll's 1915 Edition, as previously amended by chapter 156 of the Acts of 1920, said Section so amended and re-enacted providing who may be a candidate at a primary election and the papers which must be filed to permit such candidacy.

By Mr. Stewart.

H. B. 470. An Act to amend an Act entitled: "An Act relating to roads and bridges and establishing a system of priary roads for the State of Kentucky" and known as Chapter 17 of the Acts of 1920.

Said bills were ordered printed and referred to Committee on Rules.

Mr. Ira D. Smith moved to extend this Session of the House indefinitely.

Said motion was agreed to.

Mr. Ira D. Smith of the Rules Committee reported the following bills with the expression of opinion that they ought to pass.

H. B. 182. An Act to amend Sec. 5 of Chapter 17 of the Acts of the General Assembly of Kentucky 1920, relating to roads and bridges, by making addition to project No. 6.

H. B. 319. An Act to repeal subsec. 10 of sec. 1893c, Kentucky Statutes, 1918 Edition, and re-enact the same.

H. B. 372. An Act creating the office of Assistant County Attorney, subject to the approval of the County Attorney, in counties having a population of more than fifty thousand and

less than seventy-five thousand, and having therein a circuit court of continuous session, and prescribing the qualifications, powers, duties and compensation thereof.

H. B. 422. An Act relating to public roads and highways.

H. B. 423. An Act relating to public roads and highways.

H. B. 445. An Act to amend an Act entitled: "An Act relating to public schools in the State of Kentucky and known as Chapter 113 of the Kentucky Statutes.

S. B. 105. An Act to provide for the employment and utilization of the labor of persons now or hereafter confined in the State Penitentiary or the State Reformatory on conviction of a felony; to prohibit the working or employment of convicts elsewhere than within the walls of the State Penitentiary or the State Reformatory, except in the quarrying or mining of road material, and except on State farms for the production of food for the use of the inmates of the institution in which such convicts are confined; to repeal so much of Chapter 36 of the Acts of the General Assembly of 1916, and so much of Chapter 159 of the Acts of the General Assembly of 1920, and so much of Chapter 7 of the Acts of the General Assembly of 1920, as are in conflict with this act; and to repeal any and all acts or parts of acts in conflict with the provisions of this act.

H. B. 414. An Act to amend Chapter 17, Acts of 1920.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz:

S. B. 104. An Act to amend Sec. 4 of Chapter 11 of the Acts of the Extraordinary Session of 1917, being Sec. 4019a-10 of the Kentucky Statutes, Carroll's Edition 1918, being an Act relating to revenue and taxation, providing an annual tax upon property subject to taxation in this State, fixing the rate thereof, distributing said tax to various departments and State institutions, providing manner and means of assessing and lising corporate property, and shares of stock, designating what classes of property shall be subject to local taxation, fixing the time for collecting taxes on omitted personal property in certain cases, requiring record of assignment of evidence of indebtedness secured by mortgages in certain cases, requiring fiduciaries to file inventories of trust property, conferring power on taxing authorities to examine books and accounts of fiduciaries, requiring payment of taxes before final discharge, providing an additional tax for recording certain mortgages, making failure to pay taxes a bar to enforcement to indebtedness in certain cases, fixing penalties and repealing existing Statutes.

S. B. 7. An Act relating to unlawful carnal knowledge of children under the age of eighteen years, including both sexes, and prescribing and fixing penalties for violations thereof, and amending and re-enacting Sec. 1155, Kentucky Statutes, Carroll, 1915.

H. B. 418. An Act relating to cities of the sixth class.

H. B. 430. An Act to amend an Act relating to roads and bridges and being Chapter 17 of the Acts of the General Assembly of the Year 1920.

H. B. 451. An Act to amend sec. 5 of Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and highways.

H. B. 452. An Act to amend Sec. 5, project No. 32, of Chapter 17 of the Acts of the General Assembly of 1920, by adding to and extending said project.

H. B. 191. An Act to prohibit the teaching in public schools and other public institutions of learning: Darwinism, Atheism, agnosticism, or evolution as it pertains to the origin of man.

H. B. 454. An Act to make it unlawful to have in possession, use, or keep high power copper and metal jacket rifles.

H. B. 39. An Act creating a commission, to be known as the "Miners Qualification Board," to provide for the safety of persons employed in and about coal mines, providing for the examination of persons seeking employment as coal miners, and providing for violations of the provisions of the Act.

H. B. 381. An Act to amend and re-enact sub-section (b) of Sec. 1 of Chapter 90 of the Acts of the General Assembly of 1920, entitled: "An Act relating to vehicles; regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and the manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this act, and repealing any and all conflicting laws."

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The Enrolling Clerk of the House delivered the original and enrolled copy of a bill entitled:

H. B. 193. (For title see Journal of yesterday.)

Into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk of this House deliver the enrolled bill to the Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill known as the Strange-Simmons bill, viz:

S. B. 270. An Act to amend an Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it, and prescribing the powers and duties of such officer; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department; prescribing laws governing said department and the officers therein; accepting the provision of the Federal law providing that the United States shall assist in the construction of rural post roads, and making appropriation for co-operative work with the United States Government; providing for the payment to the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a Primary System of State Highways, and providing for their construction and maintenance; providing for the obtaining of rights of way, and naming cities and towns from which

construction shall commence; and repealing subsections 1, 2, 4, 5, 6 and 7 of Sec. 4356t, Kentucky Statutes, Edition 1915; also repealing sections 4356u and subsections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 of section 4356x, Kentucky Statutes, Edition 1915, and the supplement to said edition known as Vol. 3, and repealing any other Act or Acts in conflict herewith.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1 of an Act entitled:

"An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers to administer it, and prescribing the powers and duties of such officers; fixing the salary of the State Highway Engineer, and prescribing the amount which may be expended by said department; prescribing laws governing said department and the officers therein; accepting the provision of the Federal law providing that the United States shall assist in the construction of rural post roads, and making appropriation for co-operative work with the United States Government; providing for the payment of the State's part of the construction of State aid roads under the present law; providing for the acceptance of and making binding gifts and donations; establishing and designing a Primary System of State Highways, and providing for their construction and maintenance; providing for the obtaining of rights of way, and naming cities and towns from which construction shall commence; and repealing Sub-sections 1, 2, 4, 5, 6 and 7, of Section 4356t, Kentucky Statutes, Edition 1915; also repealing Sections 4356u and Sub-sections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 of Section 4356x, Kentucky

Statutes, Edition 1915, and the supplement to said edition known as Vol. 3, and repealing any other Act or Acts in conflict herewith.''

be and the same is hereby amended so that said section when amended shall read as follows:

1. The Department of the State Government known as the Department of Public Roads is hereby continued and shall be known and designated as the Department of State Roads and Highways.

There is hereby created a State Highway Commission which shall consist of Gen. William L. Siebert, Chairman, and Leslie B. Samuels, M. L. Conley and Ben Weille, who shall serve four years from the first Monday in January, 1923, and shall be eligible for re-election. The General Assembly of 1926, shall designate who shall compose said State Highway Commission for the succeeding four years. In the event of the death or resignation of any one of the members of said commission, the other members shall appoint his successor, who shall serve until the next meeting of the General Assembly, which shall fill the vacancy. The commission shall select a chairman and secretary from among its members. Three members shall constitute a quorum to do business. The members thereof shall be citizens and residents of Kentucky and shall be not less than thirty years of age. Each shall be a representative citizen and shall be well informed as to the needs and requirements of different sections of the State. No member of the commission shall have any interest, directly or indirectly, in any contract made by the commission, nor shall they own or have directly or indirectly, any interest in any corporation, firm, company, association or partnership engaged in the business of mining, manufacturing, preparing or selling any road construction material or machinery or engaged in the business of road building or construction. Before assuming the duties of their office, each member shall take the constitutional oath of office and a record thereof shall be entered on the minutes of the commission. The said com-

mission shall have its office with the Department of State Roads and Highways. The said Highway Commission and the members thereof shall in no way use their positions for political ends, aims or purposes, and any member thereof who shall engage during the term of his office in unusual or pernicious political activity shall be subject to removal by the Governor upon written notice of at least ten days being given to said Commissioner by the Governor, charging him with pernicious political activity, and after the said Commissioner shall have been given an opportunity to be heard by himself and counsel and to present proof concerning the truth or falsehood of said charge made against him. If the Governor shall remove any member of said Commission after said hearing, he shall state his reasons for said removal in writing, which shall be spread at large on the executive journal. The commission shall provide a book in which shall be recorded all of its proceedings at each meeting, which records shall be signed by the chairman and secretary. The commission shall meet at least once each month, and at such other times as the proper performance of their duties may require, and at any other time upon call of the chairman. It shall be the duty of the commission to make a careful investigation of all problems relating to the construction and maintenance of roads and bridges in the State: it shall examine all projects and ascertain the feasibility of all routes and may obtain information as to the proper type or character of road for any project; it shall examine all types of road material which may be used, or the use of which is contemplated, in the construction, reconstruction or maintenance of any road hereinafter mentioned; it shall, from time to time, examine the books of the Department of State Roads and Highways; it shall give to the State Highway Engineer full and complete information obtained by it of all matters which it investigates and shall advise and direct him fully as to the things for the best interest of the State in the construction, reconstruction and maintenance of roads and bridges. The commission shall

make a detailed report to the Governor, giving in detail all information which will fully advise him, and the General Assembly, of the work done by the Department of State Roads and Highways, and particularly showing all moneys expended and the purposes for which spent. The State Highway Commission shall be paid actual and necessary traveling expenses while engaged in business for the State. The chairman shall receive the sum of $5,000.00 per annum, for his services, and each other member of said Commission shall receive the sum of $3,600.00 per annum, payable monthly out of the State Treasury and charged to the State road fund.

No member of the State Highway Commission shall be a member of, a stockholder in or interested financially in any way directly or indirectly in any firm, corporation or partnership engaged in the business of selling any road building material of any kind or character or in the manufacture or sale of any road building machinery, tools or equipment of any kind or character, and each of said commissioners, before he enters upon the discharge of his duties, shall subscribe to an oath that he is not at the time of entering on the discharge of his duties, nor will be thereafter while a member of said Commission, become interested directly or indirectly in any firm or corporation engaged in the business of making, manufacturing or selling any kind or character of road building machinery, tools or material.

The chief officer of said department shall be known as the State Highway Engineer. Upon the going into effect of this law the State Highway Commission shall appoint a State Highway Engineer, who shall hold his position at the pleasure of the commission.

The State Highway Engineer shall be not less than thirty years of age at the time of his qualification; he shall be a graduate of civil engineering from some reputable university or technical college and shall have not less than five years' experience in civil and highway engineering. The said engineer shall qualify by taking and subscribing an oath of

office to well and truly perform the duties thereof, which shall be filed with the Secretary of State. He shall receive an annual salary of $5,000, to be paid monthly out of the State Treasury and charged to the State road fund, and shall be furnished with ample office rooms for himself and his assistants for the proper prosecution of their work at the State Capitol.

The State Highway Engineer shall not be interested directly or indirectly or at all or in any way with any road building corporation, company or partnership, and he shall not be interested in any way directly or indirectly as a stockholder or in any other way in any corporation, firm or partnership, which sells, furnishes or markets in any way any road building material or road building tools or machinery, nor shall the said State Highway Engineer receive from any person, firm or corporation selling any road building machinery, tools or material any gift or donation of any kind or of any value.

That Section 2 of said Act be amended so that when so amended it shall read as follows:

2. The State Highway Commission is empowered and authorized to employ such assistants and employes as may be necessary to carry on the work and discharge the duties imposed upon it by law, and it is authorized and empowered to fix the salaries and compensation of such assistants and employes, which shall be paid monthly out of the State Treasury upon its certification to the Auditor and charged to the State road fund. It may remove any assistant or employe, when, in its judgment, the good of the State requires it.

The State Highway Engineer, as well as aforesaid assistants and employes, shall be paid their actual necessary traveling expenses, while engaged in traveling on business for the State in the discharge of their official duties. Such expenses shall be paid upon certification to the Auditor by the commission and shall be charged to the State road fund.

The total expenses of the Department of Roads and Highways, including salaries, traveling expenses, and all other expenses connected with or incident to the work imposed on the department, shall not exceed in the aggregate in any one year, ten per centum of the total road funds for said year, received by the road fund on account of registration fees for motor vehicles, gasoline tax, and the annual ad valorem tax of three cents on each one hundred dollars of property assessed for taxation in Kentucky, but exclusive of any money received from the proceeds of any bonds issued by the Commonwealth for road purposes.

That Section 3 of said Act be amended so that said section when amended shall read as follows:

3. In addition to the duties imposed upon it herein, the State Highway Commission may cause to be printed and distributed from time to time, bulletins containing useful information touching on the construction and maintenance of roads; it shall on or before the first day of December, biennially, and oftener if so required by the Governor, make a report to the Governor for general information and for the use of the General Assembly, which report shall give in detail a statement of all expenses and salaries and shall set out in full all activities of the department showing work done and work in progress, with a detailed statement of the cost thereof; the income and expenditures of the department shall be fully stated, and, in addition, the report shall contain such useful information as the commission may deem of importance, together with recommendations looking towards increasing the efficiency of the department; it shall make all necessary surveys in the establishment and construction of the system of roads hereinafter designated and set out and shall make and provide all necessary maps, plans and specifications of all work to be done on said roads or any of them; it shall select the route or any part of a route between the points designated, and may deviate from existing routes when necessity for such deviation is found; it shall establish the width of

all roads, establish grades and provide suitable systems of drainage; it shall determine the type or character of roads which shall be constructed in whole or in part between designated points and shall prepare estimates of costs, advertisements for bids, contracts for construction and all necessary forms in connection therewith; it shall have full power, subject to the limitations in this Act, to designate roads and sections of roads for construction; after surveys, plans, specifications and estimates have been completed for any road or any part or section of any road, and the type or character of road has been determined; it shall advertise for and receive bids as provided in this Act to proceed to construct them by force account; that is, the Commission may itself by its agents or employes do the work; it shall prescribe rules and regulations for the care and maintenance of roads after they have been constructed; it shall have full power to stop or regulate all traffic or travel over any road in process of construction and until same is ready to be opened to the public and for that purpose it shall have power to designate other roads for the accommodation of all travel and traffic until the road under construction is entirely completed, and it shall have power to establish temporary roads to accommodate travel and traffic until the road under construction is finally completed and it may make arrangements with landowners for necessary rights of way for the establishment of temporary roads, and it may purchase and pay for such rights by certifying the cost thereof to the Auditor. Such temporary road shall be opened and designated by it or its agents at least two weeks before work is begun on road designated as new road for construction. The State Highway Commission is hereby authorized to enter into all contracts and agreements with the United States Government relating to the survey, construction and maintenance of roads under the provisions of the Act of Congress, approved July 11, 1916, entitled, "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,"

which Act will be found in the United States Statutes, at large, Page 355, or any Act amendatory of said Act, or any new Act of Congress having in view the same, or substantially the same, object, which may hereafter be enacted, and to submit a scheme or program of construction and maintenance as may be required by the Secretary of Agriculture of the United States, or any other officer who may be designated by Congress, and do all other things necessary fully to carry out the co-operation contemplated, or that may hereafter be contemplated and provided for by said Act, or any future Act; the State Highway Commission shall have the power and it is hereby authorized to act apart and appropriate from the State road fund an amount equal to any sum or sums that have been or may be allotted to the Commonwealth of Kentucky by the United States Government, or any sum or sums that may be necessary to carry on co-operative work with the United States Government under the present or existing law and plans, or any future law or plans, and there is hereby appropriated from the State road fund sufficient funds to enable the said State Highway Commission to pay the State's portion for the construction and maintenance of rural post roads as provided for in the present, or any future Federal aid act; it is hereby directed and authorized to prepare the necessary plans and specifications and to enter into contracts for and to supervise the construction of Federal aid roads or to do said work by force account, all in accordance with the rules and regulations of the United States Secretary of Agriculture, or any other officer designated by the United States Government; the State Treasurer is hereby authorized to receive such money as may be due the State under the provisions of the present or any future Federal aid act and the same shall be paid out upon a warrant of the Auditor, which warrants shall be issued only in payment of claims certified to him by the State Highway Commission; the State Highway Commission is hereby authorized to turn over to the respective counties any road or roads which may have been con-

structed under the present State aid law, except such road or roads as may be a part of the primary system of roads hereinafter designated, and the counties shall be under full obligation to maintain such roads as may not be a part of the system of primary roads hereinafter designated; it shall have full power to carry out all contracts which may have been entered into under the State aid law, and the State shall be fully bound to pay its part of the construction of said roads under said law, but the amount of money which any county shall receive annually in payment of any sum due such county from the State shall be the sum paid to such county for the fiscal year ending June 30, 1920, and this sum shall be paid annually from the State Road Fund until every county has received the full amount due from the State and the said State Highway Commission is hereby authorized to certify to the Auditor the amount due any county where the full amount due is determinable and at the same time shall certify the amount which will be due annually, and the Auditor shall draw his warrant on the State Treasurer, payable to the county treasurer, for the sum due each year, stating when each warrant will fall due; but if the work has not been completed, the Auditor shall draw his warrant on the Treasurer payable to the county treasurer or to such person as the county may direct, for the amount due the county from time to time as shown by certification of said State Highway Commission; when the work shall have been finally completed and the entire amount due the county is certified to the Auditor by said State Highway Commission, the Auditor shall call in and cancel such of the warrants as have been issued from time to time and which have not been paid, and shall draw warrants on the State Treasurer in favor of the county treasurer, or such person as the county may direct, for the amount due annually in separate warrants as shown by the certification of said State Highway Commission, and each warrant shall specify when it will fall due; the said State Highway Commission shall ascertain all gifts, donations or appropriations which have

heretofore been made or promised by any person, corporation, county or municipality in aid of the construction of any road known as a State aid or State and Federal aid road, where such gift, donation or appropriation has not been completed, and said gifts, donations or appropriations, or any promise thereof, shall be binding and of full effect the same as when made, and nothing in this Act shall be construed to affect the validity thereof; it shall set aside sufficient funds each year to discharge the warrants above mentioned as they fall due, but said warrants shall not bear interest unless there are not funds to pay any warrant when it is presented for payment after it is due, in which event it shall be stamped "interest bearing," as other warrants.

In addition to the foregoing enumerated powers and duties, it shall be the duty of the State Highway Commission to perform any and all other duties imposed upon it by this or any other act and particularly shall it be its duty to cause to be done all things necessary to construct and maintain the system of primary roads hereinafter designated, and where there is no provision of law covering any necessary thing to be done in the construction and maintenance of said roads, it shall do such necessary things in the way and manner best calculated, in its judgment, to accomplish the necessary object, and it is intended that the provisions contained in this act shall be treated as restrictions on its powers and not a delegation of power, that is, but for the act it could have plenary powers, and it may do all things necessary in the construction and maintenance of said roads except where the power to act is denied or restricted by law.

That section 6 of said Act be amended, so that when so amended it shall read as follows:

6. When the State Highway Commission has caused plans and specifications of any road, or part of road, to be made and completed, and has approved same and has caused all necessary rights of way to be obtained, it shall be its duty to advertise for bids for this work. Twenty days prior to the letting of any bids for road construction the State Highway

Commission shall advertise for bids in a newspaper of general circulation in the State for at least three consecutive days, and at the same time for at least two issues in a newspaper of general circulation in the county where said road is to be constructed. All advertising to be let to the lowest and best bidder. Said advertisement shall be such as to let it be generally known that said work is to be done. The advertisement shall state the place where the bidders may examine said plans and specifications and the time and place where bids for said work will be received by said State Highway Commission. Each bidder must accompany his bid with a bond or certified check payable to the State Treasurer for a reasonable sum to be fixed by the State Highway Commission as a guarantee that if the said work is awarded to him he will enter into a contract with the said State Highway Commission for the construction of the road, or for the doing of the work mentioned in the bid. The contract shall be let by the State Highway Commission to the lowest and best bidder for the particular work covered in the bid and the successful bidder must execute a bond payable to the Commonwealth of Kentucky in the sum of at least twenty per cent. of the estimated cost of said work, which bond must be approved by the said State Highway Commission and conditioned upon the faithful performance of said work in strict conformity with the plans and specifications for the same. This bond shall be kept on file in the office of the State Highway Commission. The said State Highway Commission is authorized and empowered to reject any bid when in its judgment the best interest of the State requires it to do so. When all bids are rejected, it shall advertise for new bids as in the first place. All advertisements for bids for the construction or reconstruction of any highway or any part thereof, shall state that bids will be received for three or more distinct types of highways for which specifications have been adopted. All bids

filed with the Commission and all contracts approved by it shall be kept on file in the office and be a public record, subject to inspection at all times.

If the Commission shall at any time let any contract to a bidder whose bid is higher than that of any other one or more bidders, in that event the Commission shall at the time of letting said bid state in writing fully its reasons for rejecting the lower bidders, and said reasons shall be spread at large upon the records required by this act to be kept and maintained by the said Commission.

Said contract shall fully set out the time when work shall commence and when the contract shall be completed, as well as the time and manner of payment for the work, and the said State Highway Commission may require that a certain percentage of the contract price or a certain fixed sum shall not be paid to the contractor until after the expiration of some date certain from the completion of the work and the acceptance thereof. When any contract provides for partial payment based upon the amount of work done, it shall be the duty of the representative of the State Road Department in charge of said work, as each payment becomes due, to present to said State Highway Commission a certificate signed by the representative in which certificate shall be stated as nearly as can be the amount of work done for which payment is to be made. If the said State Highway Commission is satisfied that the amount certified is due, it shall request the Auditor to draw his warrant on the Treasurer for the required amount, and the Auditor shall carry out said request. When the work under contract shall have been fully completed, the representative of the State Highway Commission shall prepare a detailed and itemized statement of the cost of the work done, certifying same to the State Highway Commission, and if it is found correct the said State Highway Commission shall cerify to the Auditor the amount due the contractor, and the Auditor shall draw his warrant on the Treasurer for said

sum. A true copy of all specifications, bids, contracts and certifications shall be kept on file in the office of the State Highway Commission. If the work be done by force account, the cost of all such work actually done shall be certified by the Commission to the Auditor and paid by the Treasurer on his warrant at such times during the progress of the work as may be by the Commission in its sound judgment deemed expedient.

That section 7 of said Act be amended so that when so amended it shall read as follows:

7. No portion of the cost of acquiring any necessary land or right of way, except a temporary right of way, nor any part of any damages incurred, awarded or paid, shall be paid out of the State Road Fund, but all cost of acquiring any necessary land or right of way and any damages incurred, awarded or paid shall be paid by the county out of its general fund. The State Highway Commission is hereby authorized to institute any proceeding in the county court of the county where the land lies to have any right of way, temporary or permanent, condemned and the damages assessed. It may institute such suit or proceeding in the name of the Commonwealth, and the county attorney shall represent it. It shall have the power to agree with any landowner as to the value of the right of way, and if the agreement reached is approved by the county attorney, the fiscal court shall enter an order directing the payment of the amount agreed upon to the landowner, and a record of said agreement shall be spread upon the records of the county court. Any landowner may donate a right of way across his land for any road herein designated, and shall execute a deed to the State Highway Commission for the use and benefit of the State of Kentucky for such right of way. Condemnation proceedings may be tried at a special term of the county court called for the purpose after due notice has been given the owner and claimant of the land sought to be condemned.

The State Highway Commission shall have the right and is hereby authorized and empowered to make agreements and contracts with the owners of private surfaced roads necessary to be incorporated in this system of State Highways, where the owners are individuals or corporations, for the transfer and taking over of all the rights and interest of such private owners, for use and a part of this system of State Highways; and it may agree upon the price and cost to be paid for such interests in such roads by the approval of the county judge and county attorney in each county in which such roads are located; and upon receipt of its certificate of such transfers and the total cost for same the State Auditor shall draw his warrant upon the Treasurer for payment of the amount so certified. And said State Highway Commission may institute such condemnation or other legal proceedings in the proper courts as it may deem necessary for the taking over of such roads and interests of private owners therein. Or if, in its judgment, it shall deem it best, it may procure the right of way, as hereinbefore provided for, adjacent to, and alongside of such surfaced roads, crossing the same from one side to the other when deemed proper by it. And nothing in this Act contained shall be construed to mean that the State or Federal Government shall pay for any interest that any county may own in such roads, or that any county shall pay for this interest owned by individuals or corporations in such roads.

That section 11 of said Act be amended so that when so amended it shall read as follows:

11. The State shall not be required to maintain any of the primary roads herein designated until such road has first been constructed by the State as herein provided; or until such road has been accepted by the State as meeting the requirements of a State road. In the construction of the system of roads as herein provided, the State shall be considered as having accepted a road when it becomes a necessary part of any road building out from any of the points designated here-

in and thereafter it shall be the duty of the State to maintain such road. If any county desires to construct any part of any primary road before the State may construct same under the plan and system herein designated, such county shall make request of the State Highway Commission so to do. When such request is made, the State Highway Commission shall immediately investigate such request, and, if it finds that the county has funds available to construct any part of such road, and will pay for the construction thereof, the State Highway Commission may take up immediately the construction of such road, but it shall not do so until the county has taken such steps as it may require to make available, subject to its order, sufficient funds to pay for the construction of such road. When the county has satisfied these requirements, the State Highway Commission may proceed to construct such road in the same way and manner under the same regulations that it constructs other roads as herein provided. It shall keep careful account of the money thus advanced by county to the State, and when the project of which such road is a part shall have been completed, the State shall refund to the county the full amount of money thus advanced upon proper certification of the State Highway Commission.

That section 12 of said Act be amended so that when so amended it shall read as follows:

12. The State Highway Commission may purchase of the owner any gravel bed or pit, stone quarry, or any other quarry or mine containing any mineral, material or other substance suitable for road building or for the surfacing of roads within the State, gravel, stone, mineral, material or other substance suitable for the purpose of building, repairing or otherwise improving the roads to be built by the State. If the State Highway Commission cannot agree with any such owner for the purpose of such gravel, stone or other road building or repairing material, it may acquire by condemnation the right to take or use such gravel, stone or other road building mate-

rial and to remove same from such bed, quarry or mine for the purpose of building, repairing or otherwise improving such roads together with the rights of way to and from such bed, pit, quarry or mine. No such gravel pit, stone quarry or mine shall be taken by condemnation within three hundred feet from any dwelling, stock barn, or from any lawn. The purchase price of such stone, gravel or other road building material and the damage in such condemnation proceedings, together with the costs and expenses thereof, shall be a charge against the State Road Fund and paid out of the monies collected therefor as provided by law. If the State shall abandon for five years any right acquired in this section to take or use the gravel, stone or other road building material from any such bed, pit, quarry or mine, or should the State Highway Commission cease to use the same for the purpose for which it was acquired, the right thereto shall cease and the ownership shall revert to and become invested in the owner of such bed, pit, stone quarry or other quarry or mine containing any mineral, material or substance suitable for road building or road repairing, his heirs and assigns, except when the State Highway Commission has acquired the fee to the lands by purchase, in which case the title shall remain in the State Highway Commission. The State Highway Commission may, upon proper terms, permit any contractor who shall be given a contract, under the terms of this act, to build or repair any road designated under this act, or may hereafter be designated by the State Highway Commission, to take gravel, stone, mineral, material or other substance suitable for road building or road repairing from any such gravel pit, stone quarry, or mine, that may be acquired by it under the terms of this act and it may, when it deems it necessary for the proper building or repairing of any road designated under this act, or may hereafter be designated, first procure by purchase or condemnation proceedings as above provided, any gravel pit, stone quarry or other quarry or mine containing any gravel, stone, mineral, material or other substance suitable for build-

ing, repairing or otherwise improving the roads to be built by the State, before advertising for bids to build or repair such roads, and may state in said advertisement or otherwise the terms upon which the contractor whose bid might be accepted, may use such gravel pit, stone quarry, other quarry or mine and take the material therefrom. All condemnation proceedings hereunder shall be in the manner provided by law for the condemnation of lands for railroads. All laws in conflict herewith are hereby repealed.

Sectin 12a. If any of the provisions of this act be held to be unconstitutional, then no provision thereof shall become operative.

Mr. Brown moved that the House do now resolve itself into the Committee of the Whole for the purpose of hearing Senator R. C. Simmons discuss the merits of the matter under discussion.

Said motion was agreed to.

The Speaker vacated the Chair and designated Mr. Minor as Chairman of the Committee of the Whole.

After a time, the Speaker having resumed the Chair, Mr. Minor reported that they had heard the address by Senator Simmons.

Mr. Meyers offered the following Amendment, viz:

"Amend the bill by striking out of lines 183 and 184 of the printed bill the following words, "or proceed to construct them by force account"; that is, the Commission may itself by its agents or employees do the work, and by striking out of line 359 the following words: "if the work be done by force account, the cost" and by striking out all of lines 360, 361, 362 and 363 of the printed bill."

Said Amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Smith and Strange, were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Frank J. Humbert	Geo. W. Newman
R. M. Amos	R. O. Huntsman	James Park
J. F. Bosworth	J. T. Jennings	S. R. Powell
Thos. Bowman	Ira Jones	J. L. Richardson
Sam A. Cary	Wright Kelly	David I. Scott
Chas. Chandler	S. B. Lane	Reuben E. Skaggs
E. B. Cross	Oscar Leibson	Geo. F. Thompson
J. C. Day	Harry J. Meyers	John M. Tinsley
Dr. H. M. Fultz	Harry B. Miller	Chas. B. Truesdell
Oscar P. Harvey	Ed. P. Murrah	John L. Trumbo
Thos. O. Holder	R. D. McMurtry	Fred C. Vanhoose
N. T. Hopkins	E. E. Nelson	W. S. Wallen

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Those who voted in the negative were—

B. C. Beckmann	J. Edgar Hadden	Arthur Saunders
C. W. Bennett	Arch L. Hamilton	Lee L. Simons
J. E. Bickett	David J. Howard	George W. Smith
W. M. Boling	Lester Jeter	Ira D. Smith
Berl Boyd	Leon P. Lewis	R. F. Stewart
John E. Brown	Martin Light	Frank L. Strange
W. R. Button	Rufus Lisle	H. V. Thompson
Lee Clark	C. C. May	S. G. Thornberry
Bryce Cundiff	Claude D. Minor	D. D. Thornberry
O. A. Denton	R. C. Moore	Garnett W. Tolin
A. W. Dorsey	S. H. Moore	N. I. Toombs
G. Lucien Drury	B. A. Muster	Oscar Vest
H. C. Duffy	C. D. McCaw	Geo. C. Waggoner
George W. Ellis	W. T. McGuire	W. T. Walker
Mrs. M. E. Flannery	Brodie Payne	W. D. Watkins
Emery L. Frazier	H. Walter Pierce	W. G. Wheeler
Bryant Green	Arch M. Quarles	J. B. Wicker
Ed. A. Gullion	R. I. Rice	T. C. Willis

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Mr. Meyers offered the following Amendments, viz:

Amend the bill by striking out all of lines 25 to 77, both inclusive, of the printed bill, and substituting in lieu thereof the following:

The department of the State Government known as the Department of Public Roads herein continued, and shall be known and designated as the Department of State Roads and Highways. There is hereby created a State Highway Commission, which shall consist of six members, appointed by the Governor of the Commonwealth, by and with the advice and consent of the Senate. The membership on said commission shall be equally divided between the two dominant political parties of the State. The term of office of the said State Highway Commission appointed under this act shall begin on the first Monday in January, 1923, and shall continue for a period of four years from that date, until their successors shall have been appointed and qualified. In the event of the death or resignation of any member of the commission, the Governor shall fill the vacancy by appointment until the next meeting of the General Assembly, at which time the vacancy shall be filled by the Governor, by and with the advice and consent of the Senate. The first appointment of members on the said State Highway Commission by the Governor under this act shall be sent to the Senate of the Commonwealth of Kentucky, for the approval and consent of that body during the sessions in 1922, and each succeeding commission appointed by the Governor shall be sent to the Senate in session last before the beginning of the term of such commission. No person shall be a member of the State Highway Commission unless such person is a citizen and resident of the Commonwealth of Kentucky, and at least thirty years of age. Each member shall be a representative citizen, and shall be well informed as to the needs and requirements of the different sections of the State. No member of the Commission shall

have any interest, either directly or indirectly, in any contract made by the commission, nor shall they own or have, directly or indirectly, any interest in any corporation, firm, company, association or partnership engaged in the business of mining, manufacturing, preparing or selling any road construction material or machinery, or engaged in the business of road building or construction. Before assuming the duties of their office, each member shall take the constitutional oath of office, and a record thereof shall be entered on the minutes of the commission. Said commission shall have its office with the Department of State Roads and Highways. The commission shall provide a book, in which shall be recorded all of its proceedings at each meeting, which records shall be signed by the chairman and secretary. The commission shall meet at least once each month, and at such other times as the proper performance of their duties may require, and at any other time upon call of the chairman. It shall be the duty of the commission to make a careful investigation of all problems relating to the construction and maintenance of roads and bridges in the state; it shall examine all projects and ascertain the feasibility of all routes and may obtain information as to the proper types of or character of road for any project; it shall examine all types of road material which may be used, or the use of which is contemplated, in the construction, reconstruction or maintenance of any road hereinafter mentioned; it shall, from time to time, examine the books of the Department of State Roads and Highways; it shall give to the State Highway Engineer full and complete information obtained by it of all matters which it investigates and shall advise and direct him fully as to the things for the best interest of the State in the construction, reconstruction and maintenance of roads and bridges. The commission shall make a detailed report to the Governor, giving in detail all information which will fully advise him, and the General Assembly, of the work done by the Department of State Roads and Highways, and particularily showing all moneys expended and the purposes

for which spent. The State Highway Commission shall be paid actual and necessary traveling expenses while engaged in business for the State.

No member of the said State Highway Commission shall receive any salary for his services, unless and until there shall have been voted by the people of the State a bond issue for the construction of State Highways, in which event each of said members of the said State Highway Commission, except the Chairman of the said Commission, shall receive an annual salary of Twenty-four Hundred Dollars ($2,400.00) for his services, and the Chairman in such event shall receive an annual salary of Four Thousand Dollars ($4,000.00). All of said salaries shall be payable monthly out of the State Treasury, and charged to the State Road Fund, and shall date from the first day of the year in which such bonds, or any part thereof, are sold.

Said Amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Ira D. Smith and Strange were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. T. Jennings	Geo. W. Newman
R. M. Amos	Ira Jones	C. C. Oney
J. F. Bosworth	Wright Kelly	James Park
Thos. Bowman	S. B. Lane	S. R. Powell
Sam A. Carv	H. R. Lawrence	J. L. Richardson
Chas. Chandler	Oscar Leibson	David I. Scott
E. B. Cross	Leon P. Lewis	Reuben E. Skaggs
J. C. Day	Harry J. Meyers	Geo. F. Thompson
Dr. H. M. Fultz	Harry B. Miller	H. Q. Thompson
W. L. Gossett	Ed. P. Murrah	John M. Tinsley
Oscar P. Harvey	B. A. Muster	Chas. B. Truesdell
Thos. O. Holder	R. D. McMurtry	John L. Trumbo
Frank J. Humbert	E. E. Nelson	Fred C. Vanhoose
R. O. Huntsman	Chas. A. Nelson	W. S. Wallen

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Those who voted in the negative were—

B. C. Beckmann	J. Edgar Hadden	Lee L. Simons
C. W. Bennett	Arch L. Hamilton	George W. Smith
J. E. Bickett	David J. Howard	Ira D. Smith
W. M. Boling	Lester Jeter	R. F. Stewart
Berl Boyd	Martin Light	Frank L. Strange
John E. Brown	Rufus Lisle	H. V. Thompson
W. R. Button	C. C. May	S. G. Thornberry
Lee Clark	Claude D. Minor	D. D. Thornberry
Bryce Cundiff	R. C. Moore	Garnett W. Tolin
O. A. Denton	S. H. Moore	N. I. Toombs
A. W. Dorsey	C. D. McCaw	Oscar Vest
G. Lucien Drury	W. T. McGuire	Geo. C. Waggoner
W. D. Duncan	Brodie Payne	W. T. Walker
George W. Ellis	H. Walter Pierce	W. D. Watkins
Emery L. Frazier	Arch M. Quarles	W. G. Wheeler
Bryant Green	R. I. Rice	T. C. Willis
Ed. A. Gullion	Arthur Saunders	—51

Mr. Bosworth offered the following Amendment, viz:

"Amend bill by striking out the following words in line 30 and 31 of the printed bill, to-wit: 'The first Monday in January 1923,' and substituting thereof, 'the first day of July 1922.' "

Said Amendment was disagreed to.

Mr. Meyers offered the following Amendment, viz:

"Amend on page 3, line 29, by striking out "Gen. W. L. Siebert, Chairman, Leslie B. Samuels, M. L. Conly and Ben Weille" and insert in lieu therefor "J. C. W. Beckham, Chairman, Robt. W. Bingham, C. C. Mengel and T. A. Fields."

Said Amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Ira Smith and Strange were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. T. Jennings	Geo. W. Newman
J. F. Bosworth	Ira Jones	S. R. Powell
Thos. Bowman	Wright Kelly	J. L. Richardson
Sam A. Cary	H. R. Lawrence	David I. Scott
Chas. Chandler	Oscar Leibson	Reuben E. Skaggs
E. B. Cross	Harry J. Meyers	Geo. F. Thompson
J. C. Day	Harry B. Miller	H. Q. Thompson
Dr. H. M. Fultz	Ed. P. Murrah	John M. Tinsley
Thos. O. Holder	R. D. McMurtry	Chas. B. Truesdell
Frank J. Humbert	E. E. Nelson	John L. Trumbo
R. O. Huntsman	Chas. A. Nelson	Fred C. Vanhoose

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Those who voted in the negative were—

B. C. Beckmann	David J. Howard	Lee L. Simons
C. W. Bennett	Lester Jeter	George W. Smith
J. E. Bickett	Leon P. Lewis	Ira D. Smith
W. M. Boling	Martin Light	R. F. Stewart
Berl Boyd	Rufus Lisle	Frank L. Strange
John E. Brown	C. C. May	H. V. Thompson
W. R. Button	Claude D. Minor	S. G. Thornberry
Lee Clark	R. C. Moore	D. D. Thornberry
Bryce Cundiff	S. H. Moore	Garnett W. Tolim
O. A. Denton	B. A. Muster	N. I. Toombs
A. W. Dorsey	C. D. McCaw	Oscar Vest
W. D. Duncan	W. T. McGuire	Geo. C. Waggoner
George W. Ellis	C. C. Oney	W. T. Walker
Emery L. Frazier	James Park	W. S. Wallen
Bryant Green	Brodie Payne	W. D. Watkins
Ed. A. Gullion	H. Walter Pierce	W. G. Wheeler
J. Edgar Hadden	Arch M. Quarles	J. B. Wicker
Arch L. Hamilton	R. I. Rice	T. C. Willis
Oscar P. Harvey	Arthur Saunders	

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Mr. Fultz offered the following Amendment, viz:

"Amend by striking out lines 88, 89, 90 and 91 of sec. 1

and insert in lieu thereof: "The Chairman shall receive the sum of $2,500 per annum, for his services, and each other Member of said Commission shall receive the sum of $1,800 per annum, payable monthly out of the State Treasury and charged to the State road fund."

Said Amendment was disagreed to.

Ordered that said Simmons-Strange bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

B. C. Beckmann	David J. Howard	Arthur Saunders
C. W. Bennett	Lester Jeter	George W. Smith
J. E. Bickett	H. R. Lawrence	Ira D. Smith
W. M. Boling	Leon P. Lewis	R. F. Stewart
Berl Boyd	Martin Light	Frank L. Strange
John E. Brown	Rufus Lisle	H. V. Thompson
W. R. Button	C. C. May	S. G. Thornberry
Lee Clark	Claude D. Minor	D. D. Thornberry
Bryce Cundiff	R. C. Moore	Garnett W. Tolin
O. A. Denton	S. H. Moore	N. I. Toombs
A. W. Dorsey	C. D. McCaw	Oscar Vest
G. Lucien Drury	W. T. McGuire	Geo. C. Waggoner
George W. Ellis	D. A. O'Donovan	W. T. Walker
Emery L. Frazier	C. C. Olney	W. S. Wallen
Bryant Green	Brodie Payne	W. D. Watkins
Ed. A. Gullion	H. Walter Pierce	W. G. Wheeler
J. Edgar Hadden	Arch M. Quarles	J. B. Wicker
Arch L. Hamilton	R. I. Rice	T. C. Willis

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Those who voted in the negative were—

Samuel W. Adams	R. O. Huntsman	S. R. Powell
R. M. Amos	J. T. Jennings	J. L. Richardson
J. F. Bosworth	Ira Jones	David I. Scott
Thos. Bowman	Wright Kelly	Lee L. Simons
Sam A. Cary	Oscar Leibson	Reuben E. Skaggs
Chas. Chandler	Harry J. Meyers	Geo. F. Thompson
E. B. Cross	Harry B. Miller	H. Q. Thompson
J. C. Day	Ed. P. Murrah	John M. Tinsley
W. D. Duncan	R. D. McMurtry	Chas. B. Truesdell
Dr. H. M. Fultz	E. E. Nelson	John L. Trumbo
Oscar P. Harvey	Geo. W. Newman	Fred C. Vanhoose
Frank J. Humbert	James Park	—35

Resolved that the title thereof be as aforesaid.

Mr. Ira D. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Payne moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of one-thirty o'clock having arrived, the Speaker called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 325. An Act to amend and re-enact Sec. 110 of

Code of Practice in criminal cases relating to the presence of persons before the Grand Jury.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 110 of the Code of Practice in criminal cases be, and the same is hereby amended and re-enacted so that when amended and re-enacted shall read as follows:

That no person except the Commonwealth's and County Attorneys and the witness under examination shall be present while the Grand Jury is examining a charge, and no person whatever while they are deliberating or voting on the charge, except that authority is hereby given to the Commonwealth's Attorney to appoint a stenographer, who shall in order of the said Commonwealth's Attorney, attend any session of the Grand Jury in any county of said district and be present during the examination of any witness or witnesses before the Grand Jury and shall make full and correct notes of the testimony of the witnesses, and, when ordered by the Commonwealth's Attorney, shall transcribe same and deliver same to the Commonwealth's Attorney, properly certified by said stenographer, and said transcript shall be kept by the said Commonwealth's Attorney for his use; and said transcript may be introduced and used in court as competent and legal evidence for the purpose of contradicting any witness whose testimony was taken upon said hearing before said Grand Jury. For such services said stenographer shall be paid a reasonable compensation upon an order of the Circuit Court, and paid by the Fiscal Court of the county where such services are rendered, but the compensation herein provided for shall not exceed the sum of Five ($5.00) Dollars per day for attendance upon the hearing of said Grand Jury and in addition thereto not exceeding 15c per each one hundred words

of said transcript for services in transcribing the notes of said testimony. Said stenographer shall be required, before entering upon these duties, to qualify by taking the oath required by all officers under the Constitution of Kentucky to faithfully discharge the duties as such, and said stenographer shall further be sworn not to disclose, or make known, directly or indirectly, to any person or persons, anything that occurred, was stated or given in the evidence, or transpired, bearing upon any case or investigation before the Grand Jury. Said stenographer shall make out a correct and full transcript of such testimony so taken, when directed to make same by the Commonwealth's Attorney, and the same shall be promptly delivered to the Commonwealth's Attorney. Said stenographer shall permit no person except the Commonwealth's Attorney to see said record or any part thereof and will deliver to said Commonwealth's Attorney the stenographic notes of all such testimony and same shall be by him preserved for use, such as he may wish to make, and when he shall be through with same, shall be by him at his direction destroyed.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Mr. Liebson offered the following Amendments, viz:

"Strike out beginning line 36 word "said" and ending with word "destroy" in line 41."

"Amend by adding another section, as follows:

Any person indicted by any Grand Jury for any crime or misdemeanor shall have a right to procure a copy of said stenographic record or any part thereof by paying the prescribed fee for said report."

Said Amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were--

Samuel W. Adams	J. T. Jennings	David I. Scott
R. M. Amos	Lester Jeter	Lee L. Simons
C. W. Bennett	H. R. Lawrence	Ira D. Smith
J. F. Bosworth	Oscar Leibson	R. F. Stewart
John E. Brown	Leon P. Lewis	D. D. Thornberry
W. R. Button	Martin Light	John M. Tinsley
Chas. Chandler	Rufus Lisle	Garnett W. Tolin
Bryce Cundiff	C. C. May	N. I. Toombs
A. W. Dorsey	Harry B. Miller	Chas. B. Truesdell
G. Lucien Drury	Claude D. Minor	Fred C. Vanhoose
H. C. Duffy	R. C. Moore	Geo. C. Waggoner
George W. Ellis	S. H. Moore	W. T. Walker
Mrs. M. E. Flannery	R. D. McMurtry	W. S. Wallen
Bryant Green	E. E. Nelson	W. D. Watkins
Ed. A. Gullion	James Park	T. C. Willis
David J. Howard	Brodie Payne	
Frank J. Humbert	Arch M. Quarles	

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Those who voted in the negative were—

J. E. Bickett	Dr. H. M. Fultz	Geo. W. Newman
W. M. Boling	W. L. Gossett	D. A. O'Donovan
Thos. Bowman	Thos. O. Holder	C. C. Oney
Berl Boyd	R. O. Huntsman	R. I. Rice
Sam A. Cary	Ira Jones	Arthur Saunders
Lee Clark	Wright Kelly	Reuben E. Skaggs
E. B. Cross	Ed. P. Murrah	Geo. F. Thompson
J. C. Day	Chas. A. Nelson	J. B. Wicker

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Resolved that the title thereof be as aforesaid.

Mr. Ira D. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. 390. An Act to provide for the suppression of contagious diseases among bees, to create the office of State Inspector of Apiaries and to appropriate money therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In addition to the duties heretofore assigned to him the State Entomologist is hereby appointed State Inspector of Apiaries with power to appoint from time and for such period of time as he may designate in said order or orders of appointed deputy inspectors as they may be repaired in the interest of time, economy or in emergency for inspection and treatment of Apiaries in different parts of the State. The term "Inspector" when used in this act includes deputy inspector unless otherwise specified.

It shall be the duty of the State Inspector to aid the development of the bee and honey industry and to adopt proper measures for the prevention and suppression of contagious and infectious diseases among bees.

Whenever the owner or owners or an apiary believe or have reason to believe that foul brood or any other dangerous disease or diseases which is infectious or contagious in its

nature and injuries to honey of bees in their egg, larval, pupal or adult stages is present among their bees, they shall at once notify the inspector.

The State Inspector shall have authority at his discretion to visit and examine personally or by deputy any apiary for the purpose of ascertaining the existence or for the treatment or destruction of any disease in the egg, larval, pupal or adult stages among bees or brood; and for this or any other purpose within the scope of this act, he may enter upon private property or premises during reasonable business hours. When notified by any one of the probable existence of such contagious or infectious disease of bees or brood in any apiary, he shall visit and examine said apiary personally or by deputy, as he shall deem most expedient within ten days from receipt of said notice. Whenever any such contagious or infectious disease of bees or brood shall be found the inspector shall inspect all apiaries within a radious of three miles of said apiary of which he is able to learn by diligence. After inspecting any apiaries of appurtenances thereof of bees or brood in which any such contagious or infectious disease has been found, he shall thoroughly disinfect his person and clothing before leaving the premises where such disease is found.

All bees, brood, eggs or apiary appurtenances infected or contaminated with infectious materials with any contagious or infectious disease which, after inspection by an inspector, who is hereby made the sole judge of the character thereof, shall have been declared by him to be incurable according to his best judgment and which appurtenances cannot be successfully disinfected and are liable to spread disease, are hereby declared and adjudged to be public nuisances and subject to abatement as such according to law. The inspector or deputy shall also cause said bees, eggs, broods or apiary appurtenances to be immediately destroyed by fire under his personal supervision and the owner thereof and the person in

charge of the same is hereby required to assist him in said work and to carry out such destruction according to his directions.

Whenever in the judgment of the inspector or his deputy it shall be practicable to cure the diseases or any of them which shall be found in any apiary by treatment, he may order the bees and apiary appurtenances affected therewith to be treated within ten days, and until cured. Whenever treatment shall be so ordered, the owner and the person in charge of said bees or appurtenances, shall carry out proper treatment as prescribed by said inspector. The inspector may, if he deem it necessary, also inspect such diseased apiaries a second time after twenty-one days, when he shall cause all bees, brood, eggs, appurtenances or honey in which the disease shall be found not to have been cured, to be destroyed as provided in section five thereof, so far as may be necessary to prevent the spread of the disease; and whenever said property shall be so destroyed or destroyed in any way according to the provisions of this act, the owner thereof shall receive no compensation therefor.

The State Inspector or his deputies, at their discretion, may order the owner or the person in charge of bees dwelling in log gums, boxes or other receptacles in which the combs are stationary, within three miles of any diseased apiary, to transfer said bees to hives wherein the combs shall be moveable. In default of such transfer said bees and all the articles in which they are contained or which are infected by them, are declared to be public nuisances and shall be disposed of according to the provisions of section five of this act.

Whenever, after official inspection, destruction or treatment of any bees, brood, eggs or apiary appurtenances, shall have been ordered, the State Inspector may require the owner or person in charge of said apiary to file a statement or affidavit, as he may deem best, with him that the destruction or treatment has been carried out effectually.

Colonies of bees or nuclei or queen bees imported into Kentucky from another state or territory or from any foreign country, must be accompanied by a certificate from an official inspector stating that the apiary from which they come is free from foul brood or other contagious or infectious disease. In case such bees or queens are shipped from a locality in which there is no such inspector, the person or persons receiving such bees in Kentucky shall immediately notify the State Inspector of their receipt and said inspector shall take such precautions with reference to the same as shall prevent the introduction of dangerous bee diseases.

It shall be the duty of the State Inspector to examine at least twice each year any apiary in Kentucky in which queens or colonies of bees or nuclei are reared for sale. On the discovery of the existence of any contagious or infectious disease in the bees, eggs, brood or appurtenances of said apiary, the owner and person in possession or charge of such apiary shall at once cease to sell or give away any queen bees, colonies, *nuclei* or apiary products until said apiary shall have been declared free from disease by an inspector after inspection thereof and permission is given in writing by said inspector. Candy used in mailing cages of queen bees or other bees if made from honey shall be made from honey which has been boiled thirty minutes or more.

Any person who shall sell, barter or give away or remove to another location without the consent of the inspector any bees, honey, brood, eggs or appurtenances from an apiary known to be infected with contagious disease, or having done so, either with knowledge or in ignorance of its condition, shall refuse to give the name and address, if known to him, of the person or persons to whom the same was disposed of, or who shall import into this State any bees, honey, brood, eggs or appurtenances infected with disease or who shall cause bees of others to become exposed to infected comb, brood, eggs, honey, bee hives or other appurtenances so infected, or who shall, after knowledge thereof, conceal or neg-

lect to report to the State Inspector the existence of disease in an apiary owned by him or within his charge. or who shall refuse to permit or to assist in the inspection and necessary treatment or destruction of his bees, brood, eggs, honey or apiary appurtenances when so ordered by said inspector, or who shall impede or hinder or obstruct any inspector in any of his duties, shall be guilty of a misdemeanor and upon conviction be punished as prescribed in section fourteen of this act.

Apiary within the meaning of this act shall mean any place where one or more hives or colonies of bees are kept.

It shall be the duty of the State Inspector to make an annual report to the Commissioner of Agriculture of his operations and those of his deputies, giving in detail the number of apiaries and colonies of bees inspected, their colonies, the number of colonies treated, cured and destroyed, the addresses of their owners and such other data as may be of public interest. Such report shall be published with the report of said commissioner, except that the names and addresses of the owners of such apiaries may be omitted from such published report at the discretion of the inspector.

Any one violating any of the provisions of any part of this act or offering any hindrance to the carrying out of its provisions shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars nor more than fifty dollars.

The sum of five hundred dollars annually is hereby appropriated for carrying out the provisions of this act except as to compensation and expenses of deputy inspectors but including all expenses of the State Inspector of Apiaries incurred while in the performance of his duties. Said State Inspector shall render itemized accounts of all expenses in his report to the Commissioner of Agriculture. Any deputy inspector appointed as provided in section one of this act, shall receive as compensation for any services he may render under this act by virtue of said appointment five dollars for

each full day, and two dollars and fifty cents for each half day and all necessary and actual expenses incurred while actually engaged in the performance of such services. Such fees for said services and such necessary and actual expenses of such deputies shall be audited by the county judge of the county in which said services shall have been rendered and be paid by said county to such deputy inspector as other county claims are paid.

All other acts or parts of acts in conflict with this act or any of the provisions thereof are hereby repealed.

This act shall take effect and be in force from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	S. H. Moore
R. M. Amos	Oscar P. Harvey	C. D. McCaw
W. M. Boling	David J. Howard	D. A. O'Donovan
Thos. Bowman	Frank J. Humbert	C. C. Oney
Berl Boyd	R. O. Huntsman	H. Walter Pierce
W. R. Button	J. T. Jennings	R. I. Rice
Bryce Cundiff	Lester Jeter	Arthur Saunders
A. W. Dorsey	Ira Jones	David I. Scott
H. C. Duffy	H. R. Lawrence	Lee L. Simons
George W. Ellis	Leon P. Lewis	George W. Smith
Mrs. M. E. Flannery	Martin Light	Ira D. Smith
Bryant Green	C. C. May	R. F. Stewart
Ed. A. Gullion	Claude D. Minor	H. V. Thompson
J. Edgar Hadden	R. C. Moore	Geo. F. Thompson

H. Q. Thompson	Chas. B. Truesdell	W. D. Watkins
D. D. Thornberry	Fred C. Vanhoose	W. G. Wheeler
Garnett W. Tolin	Geo. C. Waggoner	J. B. Wicker
N. I. Toombs	W. T. Walker	T. C. Willis

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Those who voted in the negative were—

Sam A. Cary	Ed. P. Murrah	Reuben E. Skaggs
O. A. Denton	Geo. W. Newman	John M. Tinsley
Thos. O. Holder	James Park	
Wright Kelly	S. R. Powell	

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Resolved that the title thereof be as aforesaid.

Mr. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 392. An Act to fix and regulate the time of holding the terms of Circuit Courts in the Twentieth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the term of Circuit Court in the Twentieth Judicial District shall be, and are, fixed as follows, to-wit:

LEWIS COUNTY, AT VANCEBURG.

First Monday in January and continuing eighteen juridical days; third Monday in April and continuing twelve

juridical days; fourth Monday in September and continuing eighteen juridical days.

GREENUP COUNTY, AT GREENUP.

Fourth Monday in January and continuing eighteen juridical days; second Monday in May and continuing twelve juridical days; third Monday in October and continuing twelve juridical days.

BOYD COUNTY, AT CATLETTSBURG.

Third Monday in February and continuing eighteen juridical days; second Monday in March and continuing twenty-four juridical days; fourth Monday in May and continuing twelve juridical days; second Monday in June and continuing twenty-four juridical days; first Monday in September and continuing eighteen juridical days; second Monday in November and continuing thirty juridical days.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Bryce Cundiff	Dr. H. M. Fultz
C. W. Bennett	A. W. Dorsey	Bryant Green
J. E. Bickett	G. Lucien Drury	Ed. A. Gullion
Thos. Bowman	H. C. Duffy	J. Edgar Hadden
Berl Boyd	George W. Ellis	Arch L. Hamilton
W. R. Button	Mrs. M. E. Flannery	Oscar P. Harvey
E. B. Cross	Emery L. Frazier	David J. Howard

R. O. Huntsman	Chas. A. Nelson	John M. Tinsley
J. T. Jennings	Geo. W. Newman	Garnett W. Tolin
Ira Jones	D. A. O'Donovan	N. I. Toombs
Leon P. Lewis	C. C. Oney	Chas. B. Truesdell
Martin Light	James Park	John L. Trumbo
Harry B. Miller	H. Walter Pierce	Oscar Vest
Claude D. Minor	David I. Scott	Geo. C. Waggoner
R. C. Moore	Lee L. Simons	W. T. Walker
S. H. Moore	Ira D. Smith	W. S. Wallen
W. T. McGuire	Frank L. Strange	W. D. Watkins
R. D. McMurtry	H. Q. Thompson	J. B. Wicker
E. E. Nelson	D. D. Thornberry	—56

Resolved that the title thereof be as aforesaid.

Mr. Ira Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 196. An Act for the benefit of the West Kentucky Industrial College, established at Paducah, Kentucky, making appropriations thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any officer, manager or employe of any firm, corporation or individual engaged in the brokerage business, as hereinafter defined, who shall receive or assent to the receiving of deposits from any one, person, firm or corporation, as a customer or dealer, to be used as margins for the purchase of stocks, grain, produce or cotton, when such officer, manager

or employe knows or has reasonable grounds for believing that such person, firm or corporation so engaged in the said brokerage business is insolvent, shall be personally liable for such deposits or margins so received, and shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary for not less than one nor more than ten years.

§ 2. A broker, within the meaning of the foregoing section, shall be any person, firm or corporation who is engaged in the business of buying or selling stocks, bonds, grain, produce or cotton, as the agent or representative of other persons, upon margins, and who charges commissions for their services.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were--

Samuel W. Adams	A. W. Dorsey	J. T. Jennings
R. M. Amos	G. Lucien Drury	Lester Jeter
C. W. Bennett	H. C. Duffy	Ira Jones
J. E. Bickett	George W. Ellis	H. R. Lawrence
W. M. Boling	Mrs. M. E. Flannery	Oscar Leibson
J. F. Bosworth	Dr. H. M. Fultz	Leon P. Lewis
Thos. Bowman	W. L. Gossett	Martin Light
Berl Boyd	Bryant Green	Rufus Lisle
W. R. Button	Ed. A. Gullion	C. C. May
Sam A. Cary	J. Edgar Hadden	Harry B. Miller
Chas. Chandler	Arch L. Hamilton	Claude D. Minor
F. B. Cross	Oscar P. Harvey	R. C. Moore
Bryce Cundiff	David J. Howard	S. H. Moore
O. A. Denton	R. O. Huntsman	Ed. P. Murrah

C. D. McCaw	David I. Scott	Garnett W. Tolin
E. E. Nelson	Lee L. Simons	N. I. Toombs
Geo. W. Newman	George W. Smith	Chas. B. Truesdell
D. A. O'Donovan	Ira D. Smith	Fred C. Vanhoose
C. C. Oney	Frank L. Strange	Geo. C. Waggoner
H. Walter Pierce	H. V. Thompson	W. T. Walker
S. R. Powell	Geo. F. Thompson	W. S. Wallen
Arch M. Quarles	H. Q. Thompson	W. D. Watkins
R. I. Rice	D. D. Thornberry	W. G. Wheeler
Arthur Saunders	John M. Tinsley	

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There voted in the negative—

Chas. A. Nelson

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Resolved that the title thereof be as aforesaid.

Mr. Ira Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 210. An Act to amend and re-enact Sec. 3 of an Act relating to annulling charter of towns of the sixth class which was enacted by the General Assembly of the Commonwealth of Kentucky March 21, 1906.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3 of an act entitled "An Act relating to annulling charters of towns of the sixth class," which was enacted by the General Assembly of the Commonwealth of

Kentucky March 21st, 1906, be amended and re-enacted so as to read when amended and re-enacted as follows: Section 3. Defense may be made to the petition by any voter of the town and if a defense is made the court shall hear and determine the same and may render judgment dissolving and annulling the charter; unless the court shall find from the evidence that a dissolution of the town will materially retard the prosperity of such town and of the owners and inhabitants of the territory in the town sought to be dissolved, in which case the petition shall be dismissed.

The pleadings and practice, except as herein provided, shall be the same as in equity cases; an appeal shall be from the judgment, provided the record is filed in the Clerk's Office of the Court of Appeals, twenty days prior to the second term of the Court of Appeals after the rendition of the judgment.

§ 2. All acts in conflict herewith are to the extent of such conflict hereby repealed.

§ 3. This act shall take effect and be in full force and effect from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were---

Samuel W. Adams	Thos. Bowman	Lee Clark
R. M. Amos	Berl Boyd	F. B. Cross
J. E. Bickett	Chas. Chandler	Bryce Cundiff

A. W. Dorsey	C. D. McCaw	H. V. Thompson
G. Lucien Drury	E. E. Nelson	Geo. F. Thompson
George W. Ellis	Chas. A. Nelson	H. Q. Thompson
W. L. Gossett	Geo. W. Newman	John M. Tinsley
Ed. A. Gullion	D. A. O'Donovan	Garnett W. Tolin
Oscar P. Harvey	C. C. Oney	Chas. B. Truesdell
J. T. Jennings	James Park	Fred C. Vanhoose
Lester Jeter	Brodie Payne	Oscar Vest
Leon P. Lewis	H. Walter Pierce	Geo. C. Waggoner
Martin Light	R. I. Rice	W. T. Walker
C. C. May	David I. Scott	W. S. Wallen
Harry J. Meyers	George W. Smith	J. B. Wicker
Harry B. Miller	Ira D. Smith	T. C. Willis
Claude D. Minor	R. F. Stewart	—50

Those who voted in the negative were—

W. M. Boling	Thos. O. Holder	N. I. Toombs
O. A. Denton	Ed. P. Murrah	W. G. Wheeler
Dr. H. M. Fultz	Arthur Saunders	
Bryant Green	D. D. Thornberry	—10

Resolved that the title thereof be as aforesaid.

Mr. Ira Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 218. An Act empowering any University or Normal School which is maintained wholly or in part with funds furnished by the Commonwealth of Kentucky to acquire and condemn land and other property and material.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any university or normal school which is maintained wholly or in part by funds appropriated and payable out of the Treasury of the Commonwealth of Kentucky, is hereby vested with the right and power to acquire additional lands, or other property or material for the purpose of expanding its plants and extending its usefulness.

When any such university or normal school is unable to contract or agree with the owner or owners of such land, other property or material necessary for the purposes of such university or normal school, it may proceed to condemn and acquire such land, or other property or material, or so much thereof as may be necessary for the purposes of such university or normal school.

§ 2. All condemnation proceedings herein provided for shall be conducted in the same manner as provided by law for condemning land for railroad purposes.

§ 3. Whereas, it is necessary to immediately acquire land, or other property or material for the purposes set out in Sections 1 and 2 hereof, an emergency is declared to exist, and this Act shall take effect from and after the date of its passage and approval by the Governor.

Mr. Park offered the following Amendment, viz:

"Amend by striking out the word "is" in line 3, page 1, paragraph 1, and substituting therefor the words, "and the State Board of Charities and Corrections are" and by striking out the word "its" wherever found in line 5, page 1, Sec. 1 and substituting therefor wherever said word was found the word "their." By striking out the word, "is" in line 6, page 1, sec. 1, and substituting therefor the words, "or the State Board of Charities and Corrections is." By adding in

line 8, page 1, sec. 1 after the word "school" and before the word "it" the words "or the State Board of Charities and Corrections." By adding after the word, "school" at the end of line 11, page 1, sec. 1, the words "or the State Board of Charities and Corrections."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were--

R. M. Amos	Leon P. Lewis	Lee L. Simons
C. W. Bennett	Martin Light	Reuben E. Skaggs
J. E. Bickett	Rufus Lisle	George W. Smith
Berl Boyd	Harry J. Meyers	Ira D. Smith
Chas. Chandler	Claude D. Minor	R. F. Stewart
Lee Clark	C. D. McCaw	H. V. Thompson
E. B. Cross	R. D. McMurtry	Geo. F. Thompson
Bryce Cundiff	E. E. Nelson	John M. Tinsley
O. A. Denton	Geo. W. Newman	Garnett W. Tolin
A. W. Dorsey	D. A. O'Donovan	N. I. Toombs
Ed. A. Gullion	C. C. Oney	Chas. B. Truesdell
Arch L. Hamilton	James Park	Fred C. Vanhoose
Oscar P. Harvey	Brodie Payne	Oscar Vest
J. T. Jennings	S. R. Powell	W. T. Walker
Lester Jeter	Arthur Saunders	W. D. Watkins
Ira Jones	David I. Scott	J. B. Wicker

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Those who voted in the negative were—

W. M. Boling	G. Lucien Drury	Chas. A. Nelson
Thos. Bowman	W. L. Gossett	H. Walter Pierce
J. C. Day	Bryant Green	W. G. Wheeler

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Thereupon Mr. Park offered the following Amendment to said title, viz:

"Amend H. B. 218 by inserting after the word "Kentucky" and before the word "to" in the title the words, "and the State Board of Charities and Corrections."

Said Amendment was agreed to.

Resolved that said title be as follows, viz:

An Act empowering any University or Normal School which is maintained wholly or in part with funds furnished by the Commonwealth of Kentucky and the State Board of Charities and Corrections to acquire and condemn land and other property and material.

Mr. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 302. An Act to appropriate money for the erection of a poultry building on the Kentucky State Fair Grounds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a permanent and suitable building be erected

for the housing of poultry exhibits at the Kentucky State Fair.

§ 2. That for the purpose of the erection of such a building there be appropriated out of any money in the treasury, not otherwise appropriated, the sum of Twenty Thousand Dollars.

Together with the following Amendment as offered by the Committee.

Said Committee Amendment is as follows, viz:

"Amend H. B. 302 by striking out the word "twenty" in section 2 of said bill and insert in lieu thereof the word "fifteen."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	A. W. Dorsey	Martin Light
R. M. Amos	George W. Ellis	C. C. May
C. W. Bennett	Mrs. M. E. Flannery	Harry J. Meyers
J. E. Bickett	Ed. A. Gullion	Harry B. Miller
J. F. Bosworth	Arch L. Hamilton	Claude D. Minor
W. R. Button	Lester Jeter	S. H. Moore
Chas. Chandler	Ira Jones	Ed. P. Murrah
Bryce Cundiff	Leon P. Lewis	C. D. McCaw

R. D. McMurtry	George W. Smith	N. I. Toombs
E. E. Nelson	Ira D. Smith	Chas. B. Truesdell
Geo. W. Newman	R. F. Stewart	John L. Trumbo
C. C. Olney	Frank L. Strange	Fred C. Vanhoose
James Park	H. V. Thompson	Oscar Vest
Brodie Payne	Geo. F. Thompson	Geo. C. Waggoner
H. Walter Pierce	H. Q. Thompson	W. T. Walker
Arch M. Quarles	D. D. Thornberry	W. S. Wallen
David I. Scott	John M. Tinsley	W. D. Watkins
Lee L. Simons	Garnett W. Tolin	—53

Those who voted in the negative were—

W. M. Boling	H. C. Duffy	Chas. A. Nelson
Thos. Bowman	W. L. Gossett	D. A. O'Donovan
Berl Boyd	J. Edgar Hadden	S. R. Powell
Sam A. Cary	Oscar P. Harvey	Arthur Saunders
E. B. Cross	Thos. O. Holder	Reuben E. Skaggs
J. C. Day	R. O. Huntsman	J. B. Wicker
O. A. Denton	J. T. Jennings	T. C. Willis
G. Lucien Drury	R. C. Moore	

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Resolved that the title thereof be as aforesaid.

Mr. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House entitled:

H. B. 52. An Act to amend para. 3 of section 8 of chapter 36, Acts of the General Assembly 1920, which Act created the County Board of Education, prescribing its duties, fixed its term of office and compensation of its Members and providing for a levy of a tax for the common school purposes in each county.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled:

H. B. 66. An Act prohibiting persons clothed only in bathing costume upon the public highways of this Commonwealth upon the streets of towns or villages having no public protection.

Ordered that said bill be delivered to the Enrolling Clerk of the House.

A message was received from the Senate announcing that they had reconsidered and passed a bill entitled:

S. B. 26. An Act regulating municipal elections in cities of the first class; regulating the manner of providing and printing ballots therefor, and the methods of voting in municipal elections in cities of the first class.

The veto of the Governor to the contrary notwithstanding.

(For bill see House Journal February 2.)

The objections of the Governor and the reasons therefor are as follows, viz:

March 2nd, 1922.

VETO OF SENATE BILL NO. 26.

Gentlemen of the General Assembly:

I cannot approve Senate Bill No. 26, which is generally known as the Anti-Party Emblem Bill of the City of Louisville. It is not the purpose of the framers, proposers and propounders of this bill to elect municipal officers in the City

of Louisville without regard to politics or in a non-partisan way. No person who has been active in the passage of this bill would contend for an instance that the bill was produced for the purpose of giving the people of the City of Louisville an opportunity to select their public servants without regard to politics.

The bill as presented has as its primary and sole purpose a fancied political advantage for one of the dominant parties of the State, and has a further motive the placing of that party in power in the City of Louisville. The bill does not seek to do away with politics; it seeks merely to give a political advantage.

Furthermore the bill is in effect an educational qualification for every voter in the City of Louisville. I do not now, and have never believed that any citizen should be deprived of the right to exercise his highest right of citizenship because he has not secured an education. Generally speaking, men and women are illiterate not from choice, but from necessity, and their lack of education produced by the hardships of poverty, family misfortunes or because, as is all too true, the State in many instances gave them in their childhood no reasonable oportunity to secure an education. I have no doubt whatever that if this bill becomes a law, it will deny the right of voting to citizens who were compelled to, and did serve their country in war; will deny the sovereign right of the ballot to many men of intelligence, genuine love of country and true patriotism, and who in every way are qualified to vote, save in the one matter of their capacity to read and write.

First because the bill is partisan in character, and second because I do not believe in an educational qualification for voters, this bill is vetoed.

Respectfully submitted,

EDWIN P. MORROW,
Governor of Kentucky.

Thereupon the House proceeded as provided by the Constitution to reconsider said bill.

After such reconsideration the question was taken upon the passage of said bill, the objection of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken on the passage of said bill the objections of the Governor to the contrary notwithstanding in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	David J. Howard	R. I. Rice
B. C. Beckmann	Lester Jeter	Arthur Saunders
C. W. Bennett	S. B. Lane	Lee L. Simons
J. E. Bickett	H. R. Lawrence	George W. Smith
W. M. Boling	Leon P. Lewis	Ira D. Smith
Berl Boyd	Martin Light	R. F. Stewart
John E. Brown	Rufus Lisle	Frank L. Strange
W. R. Button	C. C. May	H. V. Thompson
Lee Clark	Harry J. Meyers	S. G. Thornberry
Bryce Cundiff	Harry B. Miller	D. D. Thornberry
O. A. Denton	R. C. Moore	Garnett W. Tolin
A. W. Dorsey	S. H. Moore	N. I. Toombs
W. D. Duncan	B. A. Muster	John L. Trumbo
George W. Ellis	C. D. McCaw	Oscar Vest
Mrs. M. E. Flannery	W. T. McGuire	Geo. C. Waggoner
Emery L. Frazier	Chas. A. Nelson	W. T. Walker
W. L. Gossett	D. A. O'Donovan	W. S. Wallen
Bryant Green	C. C. Oney	W. D. Watkins
Ed. A. Gullion	Brodie Payne	W. G. Wheeler
J. Edgar Hadden	H. Walter Pierce	J. B. Wicker
Arch L. Hamilton	Arch M. Quarles	T. C. Willis

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Those who voted in the negative were—

R. M. Amos	Chas. Chandler	Dr. H. M. Fultz
J. F. Bosworth	F. B. Cross	Oscar P. Harvey
Thos. Bowman	J. C. Day	Thos. O. Holder

J. T. Jennings	E. E. Nelson	Reuben E. Skaggs
Ira Jones	Geo. W. Newman	Geo. F. Thompson
Wright Kelly	James Park	H. Q. Thompson
Oscar Leibson	S. R. Powell	John M. Tinsley
Ed. P. Murrah	J. L. Richardson	Chas. B. Truesdell
R. D. McMurtry	David I. Scott	Fred C. Vanhoose

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Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled bills of the following titles, viz:

H. B. 224. An Act relating to pensions for indigents or disabled Confederate Soldiers, amending sec. 1 of Chapter 121, Acts General Assembly, Session 23, of Chapter 35, Acts of General Assembly 1914 both Acts relating to the same subject.

H. B. 66. An Act prohibiting persons clothed only in bathing costume upon the public highways of this Commonwealth upon the streets of towns or villages having no public protection.

S. B. 270. (For title, see Journal above.)

Thereupon all other business was suspended, the said bills were read at length and compared in open House and thereupon the Speaker in open Session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk of the House deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled H. B. 244 duly signed by the President of the Senate into the possession of the Chief Clerk of the House.

Ordered that the Chief Clerk of this House deliver said bill to the Governor.

After a time the Clerk reported that he had discharged that duty.

By unanimous consent the following bills were introduced.

By Mr. Tolin.

H. B. 471. An Act relating to roads and bridges, and amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky 1920, by adding thereto, as project No. —, extending from Florence to Burlington.

By Mr. Meyers.

H. B. 471. An Act relating to casualty, fidelity, and guarantee companies and companies writing automobile fire and theft, plate glass, accident and health or workmen's compensation insurance, not incorporated under the laws of this State, and stipulating conditions under which such companies may be authorized to transact business in this State; providing for the licensing of such companies and their agents; providing that all policies of casualty, automobile fire and theft, plate glass, accident and health or workmen's compensation insurance, upon property or risks located within this State, to be valid must be signed or countersigned by a resident agent; providing that duly authorized fidelity and guarantee companies holding certificates of authority to transact business in this State may become surety and sole surety on fidelity and surety bonds of all kinds provided bonds be signed or countersigned by a resident agent or a resident attorney-in-fact; and prohibiting rebating by all casualty, fidelity and guarantee companies and companies writing automobile fire and theft, plate glass, accident and health or workmen's compensation insurance, or their agents, and providing penalties therefor.

Said bills were ordered printed and referred to Committee on Rules.

Mr. Ira D. Smith moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 6, 1922.

The House was opened with prayer by the Rev. J. C. Pelgrim of the Presbyterian Church, Northern Assembly of Frankfort.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams	Bryant Green	R. C. Moore
J. E. Bickett	Ed. A. Gullion	Ed. P. Murrah
W. M. Boling	J. Edgar Hadden	B. A. Muster
J. F. Bosworth	Arch L. Hamilton	C. D. McCaw
Thos. Bowman	Oscar P. Harvey	W. T. McGuire
Berl Boyd	H. C. Hawkins	E. E. Nelson
John E. Brown	Thos. O. Holder	Chas. A. Nelson
Sam A. Cary	N. T. Hopkins	D. A. O'Donovan
Chas. Chandler	Frank J. Humbert	C. C. Oney
Lee Clark	R. O. Huntsman	Brodie Payne
Bryce Cundiff	Lester Jeter	H. Walter Pierce
J. C. Day	Ira Jones	S. R. Powell
O. A. Denton	Wright Kelly	R. I. Rice
G. Givens Dixon	H. R. Lawrence	Arthur Saunders
A. W. Dorsey	Oscar Leibson	David I. Scott
G. Lucien Drury	Leon P. Lewis	Lee L. Simons
H. C. Duffy	Rufus Lisle	George W. Smith
George W. Ellis	C. C. May	Ira D. Smith
Mrs. M. E. Flannery	Harry J. Meyers	R. F. Stewart
Dr. H. M. Fultz	Harry B. Miller	Frank L. Strange
W. L. Gossett	Claude D. Minor	Geo. F. Thompson

H. Q. Thompson	Fred C. Vanhoose	W. G. Wheeler
S. G. Thornberry	Oscar Vest	J. B. Wicker
D. D. Thornberry	Geo. C. Waggoner	T. C. Willis
John M. Tinsley	W. T. Walker	
N. I. Toombs	W. D. Watkins	

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 13. An Act to require cities of the second class to offer for sale a new franchise eighteen months before the expiration of any franchise acquired under or prior to the present constitution.

S. B. 78. An Act to repeal Sec. 4535k-1, Sec. 4535k-5, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to Federal Aid and Vocational Education; also Sec. 4377, Sec. 4383 and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the State Board of Education; also, Sec. 4384, Sec. 4398a-5, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the Superintendent of Public Instruction; and in order to provide for a more effective general administration and supervision of the common schools and of vocational education in this Commonwealth, be there enacted in lieu of the above the following sections, relating to the duties and powers of the State Board of Education, and the following sections relating to the powers and duties of the Superintendent of Public Instruction.

S. B. 118. An Act to amend and re-enact sub-sec. 1 of Sec. 4636c, Kentucky Statutes, Carroll's Edition, 1918, re-

lating to the appointment and qualification of members of the Board of Trustees of the University of Kentucky.

S. B. 152. An Act imposing a license tax on each show, exhibition, concert or other performance where a fee is charged or collected, except where such show, exhibition, concert or other performance is given within the grounds of a county or state fair during the period when a fair is being conducted therein, and except where the proceeds of such show, exhibition, concert or other performance is devoted exclusively to religious benevolent or educational purposes, or for the benefit of the American Legion, and except where such show, exhibition, concert or other performance is in a licensed hall.

S. B. 191. An Act to provide for the construction and maintenance, in cities of the first class, of memorials in honor of the soldiers and sailors furnished by such cities and the counties wherein situated, to the United States Army and Navy during the recent World War; providing for the voting of a bond issue in such cities, and for the acceptance of gifts and donations, for such purposes; partially repealing section 2827, Kentucky Statutes; and for related purposes, including the creation of a Memorial Commission in such ciites.

S. B. 220. An Act to amend and re-enact section 5, Chapter 17 of the Acts of the General Assembly of 1920, relating to the primary system of State Highways.

S. B. 237. An Act to promote the solvency of State banks, to authorize and regulate exchange charges, to prevent publication for non-payment when payment is offered in accordance with this Act.

S. B. 258. An Act to include singing in the curriculum of the Public Schools of the State of Kentucky.

S. B. 239. An Act empowering any University or Normal School which is maintained wholly or in part with funds furnished by the Commonwealth of Kentucky to acquire and condemn land and other property and material.

S. B. 250. An Act to amend sec. 965, Kentucky Statutes, relating to the time for holding the terms of circuit court in the twelfth judicial district; composed of the counties of Anderson, Henry, Shelby, Oldham, Spencer and Trimble.

Said bills were ordered printed and referred to Committee on Rules.

That they had refused to concur in a bill which originated in this House of the following title, viz:

H. B. 120. An Act relating to ferried, amending and re-enacting Sec. 1800, 1802, 1918, of Chapter 49, Carroll's Edition, Kentucky Statutes, 1915.

And so said bill was rejected.

Mr. C. A. Nelson offered the following Resolution, viz:

Be it resolved by the House of Representatives and the Senate of the General Assembly of the Commonwealth of Kentucky:

That the General Assembly of Kentucky is opposed to the adoption of any amendment to the Federal Constitution which will permit the Federal Government to tax securities issued by the various States in this Union and the municipalities thereof, and the Senators from Kentucky and the Representatives in Congress from Kentucky are requested to use their influence to defeat a resolution now pending in

Congress to submit such an amendment to the Federal Constitution.

Be it further resolved, that a copy of this resolution be sent to each of the United States Senators from Kentucky and to each member in Congress from the State of Kentucky.

Said Resolution was ordered printed and referred to Committee on Rules.

Mr. Meyers of the Committee on Rules, reported bills of the following titles, with the expression of opinion that they ought to pass.

S. B. 115. An Act to amend Sec. 126 of the Civil Code of Practice by providing that in every action for debt a verified allegation shall be made that the debt sued on, theretofore has been listed for taxation in all proper jurisdictions; and that without such allegation the action shall be dismissed without prejudice; and that no valid judgment shall be entered for the payment or collection of any such debt.

S. B. 234. An Act to aid in procuring and providing additional land for a site for the national sanatorium and hospital clinic for sick, maimed and disabled soldiers near Dawson Springs in Christian and Hopkins Counties in this Commonwealth, and appropriate the necessary funds therefor.

H. B. 245. An Act to amend and re-enact Section 4364 of the Kentucky Statutes, Carroll's Edition, 1918, relating to a common school and fixing the length of term.

H. B. 458. An Act making especial appropriations for the State Board of Charities and Corrections, with authority to expend the same for certain purposes, to acquire necessary property and to dispose of property not necessary for its uses.

H. B. 467. An Act to amend an Act entitled: "An Act relating to roads and bridges, and establishing a system of primary roads for the State of Kentucky."

S. Res. 24. Resolution providing for payment of Assistant for Superintendent of Public Printing.

S. B. 239. An Act empowering any University or Normal School which is maintained wholly or in part with funds furnished by the Commonwealth of Kentucky to acquire and condemn land and other property and material.

Said bills and resolution were read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. 182. An Act to amend Sec. 5 of Chapter 17 of the Acts of the General Assembly of Kentucky 1920, relating to roads and bridges, by making addition to project No. 6.

H. B. 319. An Act to repeal sub-sec. 10 of sec. 1893c, Kentucky Statutes, 1918 Edition, and re-enact the same.

H. B. 372. An Act creating the office of Assistant County Attorney, subject to the approval of the County Attorney, in counties having a population of more than fifty thousand and less than seventy-five thousand, and having therein a circuit court of continuous session, and prescribing the qualifications, powers, duties and compensation thereof.

H. B. 422. An Act relating to public roads and highways.

H. B. 423. An Act relating to public roads and highways.

H. B. 445. An Act to amend an Act entitled: "An Act relating to public schools in the State of Kentucky and known as Chapter 113 of the Kentucky Statutes.

S. B. 105. An Act to provide for the employment and utilization of the labor of persons now or hereafter confined in the State Penitentiary or the State Reformatory on conviction of a felony; to prohibit the working or employment of convicts elsewhere than within the walls of the State Penitentiary or the State Reformatory, except in the quarrying or mining of road material, and except on State farms for the production of food for the use of the inmates of the institution in which such convicts are confined; to repeal so much of Chapter 36 of the Acts of the General Assembly of 1916, and so much of Chapter 159 of the Acts of the General Assembly of 1920, and so much of Chapter 7 of the Acts of the General Assembly of 1920, as are in conflict with this act; and to repeal any and all acts or parts of acts in conflict with the provisions of this act.

H. B. 414. An Act to amend Chapter 17, Acts of 1920.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The Enrolling Clerk delivered the original and enrolled copy of H. B. 66:

(For title see Journal of Friday, March 3.)

Duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. 339. An Act relating to revenue and taxation. Repealing an Act approved March 29, 1918, being Chapter 122 of Session Acts and also known as Sections 4223c-1 to 4223c-9 inclusive, Vol. 3 of Carroll's 1915 Kentucky Statutes and reenacting same with certain amendments; fixing the annual tax rate on oil and gas wells and leases, producing and nonproducing, with their equipment, development and operations in and on same, subject to taxation; fixing the date of assessment; prescribing by whom the tax shall be paid; limiting the local rate of ad valorem taxes in such property; providing for the distribution of the fund derived from such taxation; providing for the assessment, equalization, and collection of the tax.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 4223c-1, 4223c-2, 4223c-3, 4223c-4, 4223c-5, 4223c-6, 4223c-7, 4223c-8, 4223c-9, of Carroll's 1915 Kentucky Statutes, be and the same are hereby repealed and in lieu thereof the following be and is hereby enacted.

§ 1. Every person, firm, corporation or association producing crude petroleum oil in this State, or having any interest in such production, shall annually pay a tax equal to 1 per centum of the market value of all crude petroleum so

produced, and such tax shall be for State purposes, and, in addition, any county in the State may impose a like tax for road purposes, county purposes or school purposes not to exceed one-half of one per centum of the market value of all crude petroleum produced in such county, and the fiscal court of any county may levy said tax for county purposes and shall determine what fund or funds shall receive the taxes when collected, and, when crude petroleum is produced in any separate taxing district in a county, the fiscal court shall equitably distribute such taxes between the county and such taxing district.

§ 2. Any county imposing the tax provided in Section 1 hereof shall immediately after the levy of such tax give notice thereof to such transporter of crude petroleum registered in said county, and the transporter of said crude petroleum shall, from and after the first day of the month immediately following such notice, proceed as hereinafter provided, to collect such county tax, and shall pay the same to the sheriff of such county in the manner and at the time payment of such taxes shall be required to be made to the State Tax Commissioner. Each county imposing such tax shall also, upon the fixing of the levy, certify the same to the State Tax Commission, which shall make the assessment for such county in the same manner and at the same value as provided for the State tax, which shall be certified to such county for collection.

§ 3. The tax hereby provided for shall be imposed and attached when the crude petroleum is first transported from the tanks and other receptacles located at the place of production.

§ 4. Every person, firm, corporation or association required to report under Section 5 of this act shall register as a transporter of crude petroleum in the clerk's office of each county of this State in which such business is carried on by such transporter of crude petroleum, in a book which the State Tax Commission shall provide therefor, showing the name,

residence and place of business of such transporter of crude petroleum, and it shall be the duty of the county clerk of each county to immediately certify to the State Tax Commission a copy of each registration as made.

§ 5. Every person, firm, corporation or association engaged in the transportation of crude petroleum in the State from the tanks or other receptacles located at the place of production in the State shall, for the purposes of this act, be considered a transporter of crude petroleum, and every such transporter of crude petroleum shall make a monthly verified report to the State Tax Commission, on or before the 20th day of the month succeeding the month in which the crude petroleum is so received for transportation showing the quantity of each kind or quality of all crude petroleum so received from each county of the State and the market value of such crude petroleum on the first business day after the 10th of the month in which such report is made and such report shall show any sales of such crude petroleum so received, in which event it shall show the quantity of crude petroleum in each sale, the date of each sale, and the market price of such crude petroleum on each date of sale for such preceding month, and said reports shall be made upon blanks furnished them prescribed by the State Tax Commission.

§ 6. The State Tax Commission shall, upon receiving the reports provided for in Section 5 hereof, upon such reports and such other reports and information as it may secure, assess the value of all grades or kinds of crude petroleum so reported for each month, and on or before the last day of the month in which such reports are required to be made notify each transporter of crude petroleum so reporting of such assessment, and certify such assessment to the county clerk of each county which has reported the levy of the county tax provided for in Section 2 for record, and such county clerk shall immediately deliver a copy thereof to the sheriff of such county for the collection of such county taxes. The transporter so notified of the assessment shall have until

the 20th day of the month following such notice, in which to be heard by the State Tax Commission on any objection to such assessment, and the assessment shall become final on such twentieth day of the month and the tax shall be due and payable on that day. The State Tax Commission shall make the assessment of the value of the crude petroleum so reported by each transporter of crude petroleum as follows:

Where the report shows no sale of crude petroleum during the month covered by such report, then the market value of crude petroleum on the first business day after the 10th of the month in which the report is made shall be fixed as the assessed value of all crude petroleum covered by such report.

But, where the report shows the sale of crude petroleum during the month covered by such report, if it shows that all crude petroleum reported has been sold, then the market price of such crude petroleum on each day of such sale or sales shall be the assessed value of all crude petroleum sold on such date of sale, and a total amount of the tax to be reported as the assessment on such report shall be the total of the assessment or assessments made on such sale or sales; but if such report shows that any part of the crude petroleum so reported remains unsold, then as to such portion remaining unsold the market price of the crude petroleum on the first business day after said tenth day of the month following the month covered by such report shall be fixed as the assessed value of such portion of the crude petroleum unsold, and a total amount of the tax to be reported as the assessment on such report shall be the total of the assessments made on such sold and unsold crude petroleum.

The State Tax Commission in making its assessments shall take into consideration transportation charges.

§ 7. Every person, firm, corporation or association required to make a report as provided in Section 5 hereof shall be responsible and liable for the taxes as herein set forth on all crude petroleum so received by it, and it shall collect from the producer or owner of any interest therein in either money

or crude petroleum the taxes imposed under the provisions of this act; but if collection is in crude petroleum, such transporter is authorized and empowered to sell the same and pay said taxes by check or cash to the State Tax Commission or sheriff, as provided in this act.

§ 8. The State Tax Commission may require reports on blanks prepared by it from all producers and transporters of crude petroleum, in addition to the reports above provided for, as it may deem necessary, from time to time.

§ 9. Any person, firm, corporation or association required to make reports or collect and pay the taxes hereunder, failing to pay such taxes, penalty or interest after becoming delinquent; or failing to make any report required by this act for thirty days after the date upon which the same is required by this act to be made; or failing for thirty days after engaging in the transportation of crude petroleum as set out herein, to register as required hereby, shall be deemed guilty of misdemeanor, and on conviction shall be fined fifty dollars ($50.00) for each day, of such failure to be recovered by indictment or civil action, and a false report shall be deemed as a failure to report under this action.

§ 10. That an annual ad valorem tax of five cents on each one hundred dollars of a fair cash value of all oil and gas wells and leases, producing and non-producing, with their equipments, development and operations in and on same, subject to taxation, shall be paid by the owner, person, association or corporation assessed, which tax shall be paid for State purposes only, and in lieu of all other ad valorem taxes by the State, or any county, city, town, or other taxing district, on such oil and gas wells and leases, producing and non-producing, with their equipments, development and operations, in and on same, except that cities and counties of the State may each impose an ad valorem tax of not exceeding five cents on each one hundred dollars of the fair cash value of all such oil and gas wells and leases, producing and non-producing,

with their equipments, development and operations in and on same, subject to taxation within their limits.

§ 11. All State taxes collected hereunder shall be paid into the State Treasury to the credit of the General Expenditure Fund.

§ 12. Thet assessent, the date thereof, the equalization, and a collection of the tax herein imposed, shall be governed by the laws applicable to other personal or real property.

§ 13. In the event a referendum is desired upon this act, then such referendum shall be conducted in all things in the manner provided in Chapter 8 of the Acts of the special 1917 session of the General Assembly.

§ 14. If any provision of this act shall be held invalid, it shall not affect in any way the other provisions of the act, but they shall remain in full force and effect.

§ 15. All laws or parts of laws in conflict herewith are hereby specifically repealed.

Mr. Boling moved that said bill be recommitted.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Miller and Hamilton, were as follows, viz:

Those who voted in the affirmative were—

J. E. Bickett	W. D. Duncan	R. C. Moore
W. M. Boling	W. L. Gossett	H. Walter Pierce
Thos. Bowman	J. Edgar Hadden	S. R. Powell
Berl Boyd	Oscar P. Harvey	R. I. Rice
John E. Brown	Thos. O. Holder	Arthur Saunders
W. R. Button	N. T. Hopkins	David I. Scott
Lee Clark	David J. Howard	W. G. Wheeler
J. C. Day	Frank J. Humbert	J. B. Wicker
O. A. Denton	Ira Jones	T. C. Willis
G. Givens Dixon	Wright Kelly	—29

Those who voted in the negative were—

Samuel W. Adams	Leon P. Lewis	George W. Smith
R. M. Amos	Rufus Lisle	Ira D. Smith
C. W. Bennett	C. C. May	R. F. Stewart
J. F. Bosworth	Harry J. Meyers	Frank L. Strange
Sam A. Cary	Harry B. Miller	Geo. F. Thompson
Chas. Chandler	Claude D. Minor	H. Q. Thompson
E. B. Cross	S. H. Moore	S. G. Thornberry
Bryce Cundiff	Ed. P. Murrah	D. D. Thornberry
A. W. Dorsey	B. A. Muster	John M. Tinsley
G. Lucien Drury	W. T. McGuire	Garnett W. Tolin
Mrs. M. E. Flannery	E. E. Nelson	N. I. Toombs
Dr. H. M. Fultz	Chas. A. Nelson	Fred C. Vanhoose
Ed. A. Gullion	Geo. W. Newman	Oscar Vest
Arch L. Hamilton	C. C. Oney	Geo. C. Waggoner
H. C. Hawkins	James Park	W. T. Walker
R. O. Huntsman	Brodie Payne	W. S. Wallen
J. T. Jennings	Arch M. Quarles	W. D. Watkins
Lester Jeter	Lee L. Simons	
Oscar Leibson	Reuben E. Skaggs	—55

Ordered that said bill be read the third time.

The third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	E. B. Cross	Dr. H. M. Fultz
C. W. Bennett	Bryce Cundiff	Bryant Green
J. E. Bickett	O. A. Denton	Ed. A. Gullion
W. M. Boling	A. W. Dorsey	J. Edgar Hadden
J. F. Bosworth	G. Lucien Drury	Arch L. Hamilton
Thos. Bowman	W. D. Duncan	Oscar P. Harvey
Sam A. Cary	George W. Ellis	H. C. Hawkins
Chas. Chandler	Mrs. M. E. Flannery	Thos. O. Holder

N. T. Hopkins	S. H. Moore	H. Q. Thompson
David J. Howard	Ed. P. Murrah	S. G. Thornberry
R. O. Huntsman	B. A. Muster	D. D. Thornberry
J. T. Jennings	W. T. McGuire	John M. Tinsley
Lester Jeter	Chas. A. Nelson	Garnett W. Tolin
Ira Jones	Geo. W. Newman	N. I. Toombs
Wright Kelly	C. C. Oney	Fred C. Vanhoose
H. R. Lawrence	James Park	Oscar Vest
Leon P. Lewis	Brodie Payne	Geo. C. Waggoner
Martin Light	H. Walter Pierce	W. T. Walker
Rufus Lisle	Lee L. Simons	W. S. Wallen
C. C. May	Reuben E. Skaggs	W. D. Watkins
Harry J. Meyers	George W. Smith	T. C. Willis
Harry B. Miller	Ira D. Smith	
Claude D. Minor	R. F. Stewart	—67

Those who voted in the negative were—

R. M. Amos	G. Givens Dixon	R. I. Rice
Berl Boyd	W. L. Gossett	David I. Scott
John E. Brown	Frank J. Humbert	Frank L. Strange
W. R. Button	Oscar Leibson	Geo. F. Thompson
Lee Clark	R. C. Moore	W. G. Wheeler
J. C. Day	S. R. Powell	J. B. Wicker
		—18

Resolved that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Meyers moved that the Session of today be extended indefinitely.

Said motion was agreed to.

Mr. Meyers moved that the House do now resolve itself

into the Committee of the Whole House for the purpose of resuming consideration of a bill entitled:

H. B. 368. An Act apropriating money for the operation and maintenance of the various departments, boards, commissions, institutions and agencies of the State Government, except for the legislative and judicial departments and except for the common schools, for the fiscal year ending June 30, 1923; designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Waggoner as Chairman of the Committee of the Whole.

After a time Mr. Waggoner of the Committee of the Whole House reported that they had arisen for the purpose of receiving a message of the Governor.

The Speaker having resumed the Chair, a message was received from the Governor in writing as follows, viz:

Gentlemen of the Senate and House of Representatives:

At the beginning of this session of the General Assembly, I recommended in a message the submission to the people of the State for their approval a bond issue of Fifty Million Dollars for the purpose of completing the primary system of highways of the State. At the time I made this recommendation I believed, and I still believe that the approval of such a bond issue by the people depended upon it being kept out of the partisan politics. My judgment in this regard is supported by the best thought of the State and by those who are sincerely in favor of prompt improvement of Kentucky's

highways. I am willing now, and have always been willing to keep the road building program of Kentucky entirely out of politics. I am willing to agree to any reasonable program that will assure the approval of the bond issue by the people when it is submitted to them. Regardless of the character or ability of the men who are entrusted with the duty of expending the bond money, I am profoundly convinced that no bond issue of the magnitude of the one proposed can be carried in Kentucky unless the Commission charged with the expenditure of this money is bi-partisan in character.

To the end that the bond issue may be submitted to the people in such form as to afford reasonable assurance of its approval by the people, I desire to submit for your consideration the following proposition:

1. Amend the Road Bond Bill as passed in the House so as to create a bi-partisan Road Commission of six members, three of whom shall be known Democrats and three of whom shall be known Republicans.

2. This Commission to be appointed by the Governor by and with the advice and consent of the Senate in order that the appointments shall be legal.

3. I agree to name the three Democrats selected by Democratic caucus of the House and Senate, and I further agree to select and name three Republicans who will measure up both in character and ability to the Democratic members selected by the Democratic caucus.

4. The names of the persons thus selected shall be submitted by me promptly to the present Senate for confirmation, the Road Bond Bill being amended by the addition of an emergency clause to make this possible.

I trust that this proposition will be received by the General Assembly in the spirit in which it is offered and that the friends of good roads in the General Assembly, regardless of party affiliations, will unite with me in this effort to give to Kentucky the system of highways which she so sorely needs.

This question is bigger than any party; greater than any set of individuals, and those who contribute to the success of the good roads movement in Kentucky may do so with a full consciousness that they are rendering a service not only to the present generation but to the future generations of the Commonwealth. He loves his country most who seeks to make it best.

(Signed) EDWIN P. MORROW,
Governor of Kentucky.

Mr. Waggoner moved that said message be received and referred to the Committee on Rules.

Said motion was agreed to.

Mr. C. A. Nelson moved that the House do now resolve itself into the Committee of the Whole House for the purpose of resuming further consideration of H. B. 368.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Waggoner as Chairman of the Committee of the Whole House.

After a time, the Speaker having resumed the Chair, Mr. Waggoner of the Committee of the Whole House reported that they had finished consideration of said bill and on behalf of said Committee proposed the following amendments to said bill, viz:

"Amend Section 9 of H. B. 368 in line 7 of sub-section 7 by substituting $50,000 for $70,000."

"Amend in line 26—insert $200,000 in lieu of $250,000."

"To amend H. B. 368, Sec. 27, line 8. That after the words, "sum of the figures $30,000 shall be stricken out and in lieu thereof the figures inserted shall be $40,000."

"Amend H. B. 368 by substituting for Sec. 31 in the printed bill thereof, beginning with line 1 and ending with line 14, the following:

31. Kentucky School for the Blind.

There are hereby appropriated out of the general expenditure fund, for the use and benefit of the Kentucky School for the Blind, for the fiscal year ending June 30, 1923, the following sums for the following purposes:

(a) For the payment of salaries and all other expenses incident to the maintenance and operation of the White Department of the Kentucky School for the Blind, $55,000.00.

(b) For the payment of salaries and all other expenses incident to the maintenance and operation of the Colored Department of the Kentucky School for the Blind, $8,500.00.

(c) For the education and vocational training of the Adult Blind of Kentucky, to be expended in the manner and for the purpose now provided by law, or as may hereafter be provided by law, $20,000.00."

"To amend H. B. 368, Sec. 36, line 7. That after the words, "sum of," the figures $28,000 shall be stricken out and in lieu thereof the figures inserted shall be $35,000."

"Amend subsec. (f) of Sec. 42 in line 30 (of printed bill) of H. B. 368 by striking out "to Chemical Building $25,000" and inserting in lieu thereof the figures "$100,000."

"Amend H. B. 368 by adding the following subsection to Section 42:

(1) For payment on University debt.....$45,000

"Amend H. B. 368 by striking out Section 46."

"Amend the bill by adding Sec. 52, which section shall read as follows, viz:

Section 52. No officer or employe of the State, or any of the departments, boards, commissions or agencies of the State government provided for in this Act, shall be allowed any expense incurred in trips outside of Kentucky except on official business, and then only after a request to make such trip has been filed in writing with the Commissioners of the Sinking Fund and authority to make same has been approved by the said Commissioners of the Sinking Fund."

Said Amendments were each and severally agreed to.

The yeas and nays being required thereon by Messrs. C. A. Nelson and Strange were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	G. Lucien Drury	H. R. Lawrence
R. M. Amos	George W. Ellis	Oscar Leibson
J. E. Bickett	Mrs. M. E. Flannery	Leon P. Lewis
J. F. Bosworth	Dr. H. M. Fultz	Martin Light
Thos. Bowman	Bryant Green	Rufus Lisle
Berl Boyd	Ed. A. Gullion	C. C. May
John E. Brown	J. Edgar Hadden	Harry J. Meyers
W. R. Button	Arch L. Hamilton	Harry B. Miller
Chas. Chandler	Oscar P. Harvey	Claude D. Minor
E. B. Cross	N. T. Hopkins	B. A. Muster
Bryce Cundiff	David J. Howard	W. T. McGuire
A. W. Dorsey	Ira Jones	E. E. Nelson

D. A. O'Donovan	George W. Smith	N. I. Toombs
James Park	Ira D. Smith	Geo. C. Waggoner
Brodie Payne	R. F. Stewart	W. S. Wallen
S. R. Powell	Frank L. Strange	W. D. Watkins
R. I. Rice	S. G. Thornberry	W. G. Wheeler
David I. Scott	John M. Tinsley	T. C. Willis
Lee L. Simons	Garnett W. Tolin	—56

Those who voted in the negative were—

C. W. Bennett	R. O. Huntsman	Arthur Saunders
W. M. Boling	Wright Kelly	Reuben E. Skaggs
Lee Clark	R. C. Moore	Geo. F. Thompson
J. C. Day	Chas. A. Nelson	D. D. Thornberry
O. A. Denton	Geo. W. Newman	Fred C. Vanhoose
H. C. Duffy	C. C. Oney	W. T. Walker
W. L. Gossett	Arch M. Quarles	—20

Mr. Meyers offered the following Amendment to said bill, viz:

"Amend Sec. 26 by striking out the figures $20,000 in line 1 and inserting in lieu thereof the figures $25,000."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. C. A. Nelson and Denton were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Ira Jones	David I. Scott
R. M. Amos	Oscar Leibson	Lee L. Simons
J. E. Bickett	Harry J. Meyers	Reuben E. Skaggs
J. F. Bosworth	Harry B. Miller	Ira D. Smith
Sam A. Cary	Claude D. Minor	R. F. Stewart
W. L. Gossett	Geo. W. Newman	John M. Tinsley
Ed. A. Gullion	James Park	Garnett W. Tolin
David J. Howard	Brodie Payne	Geo. C. Waggoner
J. T. Jennings	S. R. Powell	W. S. Wallen
		—27

Those who voted in the negative were—

C. W. Bennett	Bryant Green	Chas. A. Nelson
W. M. Boling	J. Edgar Hadden	C. C. Oney
Thos. Bowman	Thos. O. Holder	Arch M. Quarles
Berl Boyd	N. T. Hopkins	Arthur Saunders
John E. Brown	R. O. Huntsman	George W. Smith
W. R. Button	Lester Jeter	S. G. Thornberry
Lee Clark	Wright Kelly	D. D. Thornberry
Bryce Cundiff	H. R. Lawrence	N. I. Toombs
J. C. Day	Martin Light	W. T. Walker
O. A. Denton	C. C. May	W. D. Watkins
A. W. Dorsey	R. C. Moore	J. B. Wicker
G. Lucien Drury	Ed. P. Murrah	T. C. Willis
George W. Ellis	B. A. Muster	
Dr. H. M. Fultz	E. E. Nelson	—40

Mr. Strange offered the following Amendment to said bill, viz:

"Amend H. B. 368 by adding at the end of sec. 19 the following:

There is also appropriated out of the General Expenditure Fund for said fiscal year for the use and benefit of said institution the further sum of $27,000 for the purpose of erecting additional buildings, purchasing equipment and for necessary maintenance of said Western Kentucky Normal School."

Said Amendment was agreed to.

The yeas and nays being required thereon by Messrs. C. A. Nelson and Denton were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	J. F. Bosworth	W. R. Button
C. W. Bennett	Berl Boyd	Lee Clark
J. E. Bickett	John E. Brown	Bryce Cundiff

A. W. Dorsey	Martin Light	Lee L. Simons
George W. Ellis	C. C. May	George W. Smith
Mrs. M. E. Flannery	Harry J. Meyers	Ira D. Smith
W. L. Gossett	Harry B. Miller	R. F. Stewart
Bryant Green	Claude D. Minor	Frank L. Strange
Ed. A. Gullion	B. A. Muster	John M. Tinsley
J. Edgar Hadden	W. T. McGuire	Garnett W. Tolin
Oscar P. Harvey	E. E. Nelson	N. I. Toombs
H. C. Hawkins	James Park	Fred C. Vanhoose
Thos. O. Holder	Brodie Payne	Geo. C. Waggoner
Lester Jeter	H. Walter Pierce	W. T. Walker
Ira Jones	S. R. Powell	W. S. Wallen
H. R. Lawrence	Arch M. Quarles	W. D. Watkins
Oscar Leibson	R. I. Rice	W. G. Wheeler
Leon P. Lewis	David I. Scott	J. B. Wicker

—54

Those who voted in the negative were—

Samuel W. Adams	N. T. Hopkins	Geo. W. Newman
W. M. Boling	R. O. Huntsman	C. C. Oney
J. C. Day	J. T. Jennings	Arthur Saunders
O. A. Denton	Wright Kelly	S. G. Thornberry
G. Lucien Drury	Ed. P. Murrah	T. C. Willis
Dr. H. M. Fultz	Chas. A. Nelson	

—17

Mr. Park offered the following Amendment to said bill, viz:

"Amend H. B. 368 by adding at the end of sec. 18 the following:

There is also appropriated out of the General Expenditure Fund for said fiscal year for the use and benefit of said stitution the further sum of $27,000 for the purpose of erecting additional building, purchasing equipment and for the necessary maintenance for said Kentucky Eastern State Normal School."

Said Amendment was agreed to.

The yeas and nays being required thereon by Messrs. C. A. Nelson and Denton were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	N. T. Hopkins	S. R. Powell
C. W. Bennett	J. T. Jennings	Arch M. Quarles
J. E. Bickett	Lester Jeter	R. I. Rice
J. F. Bosworth	Ira Jones	David I. Scott
Thos. Bowman	H. R. Lawrence	Lee L. Simons
Berl Boyd	Oscar Leibson	George W. Smith
John E. Brown	Leon P. Lewis	Ira D. Smith
W. R. Button	Martin Light	R. F. Stewart
Bryce Cundiff	C. C. May	Frank L. Strange
J. C. Day	Harry J. Meyers	John M. Tinsley
A. W. Dorsey	Harry B. Miller	Garnett W. Tolin
George W. Ellis	Claude D. Minor	N. I. Toombs
Mrs. M. E. Flannery	R. C. Moore	John L. Trumbo
Dr. H. M. Fultz	Ed. P. Murrah	Fred C. Vanhoose
W. L. Gossett	B. A. Muster	Geo. C. Waggoner
Bryant Green	W. T. McGuire	W. T. Walker
Ed. A. Gullion	E. E. Nelson	W. S. Wallen
J. Edgar Hadden	D. A. O'Donovan	W. D. Watkins
Oscar P. Harvey	James Park	W. G. Wheeler
H. C. Hawkins	Brodie Payne	J. B. Wicker
Thos. O. Holder	H. Walter Pierce	—62

Those who voted in the negative were—

W. M. Boling	Wright Kelly	Arthur Saunders
O. A. Denton	Chas. A. Nelson	S. G. Thornberry
G. Lucien Drury	Geo. W. Newman	T. C. Willis
R. O. Huntsman	C. C. Oney	—11

Mr. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 7, 1922.

The House was opened with prayer by the Rev. J. C. Pelgrim of the Presbyterian Church, Northern Assembly of Frankfort.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams	Oscar P. Harvey	Brodie Payne
R. M. Amos	H. C. Hawkins	H. Walter Pierce
B. C. Beckmann	Thos. O. Holder	S. R. Powell
J. E. Bickett	N. T. Hopkins	R. I. Rice
W. M. Boling	David J. Howard	Arthur Saunders
J. F. Bosworth	Frank J. Humbert	David I. Scott
Thos. Bowman	R. O. Huntsman	Lee L. Simons
Berl Boyd	J. T. Jennings	George W. Smith
John E. Brown	Lester Jeter	Ira D. Smith
W. R. Button	Ira Jones	R. F. Stewart
Sam A. Cary	Wright Kelly	Frank L. Strange
Chas. Chandler	H. R. Lawrence	H. V. Thompson
Lee Clark	Oscar Leibson	H. Q. Thompson
E. B. Cross	Leon P. Lewis	S. G. Thornberry
Bryce Cundiff	Rufus Lisle	D. D. Thornberry
O. A. Denton	C. C. May	John M. Tinsley
G. Givens Dixon	Harry J. Meyers	Garnett W. Tolin
A. W. Dorsey	Harry B. Miller	N. I. Toombs
G. Lucien Drury	Claude D. Minor	John L. Trumbo
W. D. Duncan	R. C. Moore	Fred C. Vanhoose
George W. Ellis	S. H. Moore	Oscar Vest
Mrs. M. E. Flannery	Ed. P. Murrah	Geo. C. Waggoner
Emery L. Frazier	B. A. Muster	W. T. Walker
Dr. H. M. Fultz	C. D. McCaw	W. S. Wallen
W. L. Gossett	W. T. McGuire	W. D. Watkins
Bryant Green	Chas. A. Nelson	W. G. Wheeler
Ed. A. Gullion	Geo. W. Newman	J. B. Wicker
J. Edgar Hadden	D. A. O'Donovan	T. C. Willis
Arch L. Hamilton	James Park	

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Drury offered the following Resolution, viz:

H. Res. 20. A joint Resolution providing for help for the Enrolling Clerks of the House and Senate.

Whereas, it will necessitate the employment of additional aid by the Enrolling Clerks of the House and Senate in order to expedite the business; now therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Enrolling Clerks of the House and Senate are authorized and directed to employ all necessary assistance who shall be entitled to thirty-five cents per page for all bills enrolled by them and the clerks, House and Senate, are directed to issue their vouchers to the Auditor of Public Accounts who shall draw his warrant in their favor, for the amounts certified by the respective clerks on itemized accounts rendered. Said amounts shall not include any charge by either of the Enrolling Clerks of the House or Senate for any work done by them.

2. Provided, however, that not more than $300.00 shall be expended for this purpose in either House.

3. It being necessary to have the work herein provided for done at once, and the officers charged with the duty are not able to perform the volume of work personally, and emergency is declared and this resolution becomes in force and effect upon its adoption.

Said Resolution was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	C. W. Bennett	J. F. Bosworth
R. M. Amos	J. E. Bickett	Berl Boyd
B. C. Beckmann	W. M. Boling	John E. Brown

W. R. Button	J. T. Jennings	Arthur Saunders
Sam A. Cary	Lester Jeter	David I. Scott
Chas. Chandler	Ira Jones	Lee L. Simons
Lee Clark	Oscar Leibson	George W. Smith
E. B. Cross	Martin Light	Ira D. Smith
O. A. Denton	Rufus Lisle	R. F. Stewart
G. Givens Dixon	Harry J. Meyers	Frank L. Strange
A. W. Dorsey	Harry B. Miller	H. V. Thompson
G. Lucien Drury	Claude D. Minor	Geo. F. Thompson
W. D. Duncan	R. C. Moore	H. Q. Thompson
George W. Ellis	S. H. Moore	S. G. Thornberry
Mrs. M. E. Flannery	Ed. P. Murrah	D. D. Thornberry
Emery L. Frazier	B. A. Muster	John M. Tinsley
Dr. H. M. Fultz	C. D. McCaw	Garnett W. Tolin
W. L. Gossett	W. T. McGuire	N. I. Toombs
Ed. A. Gullion	Chas. A. Nelson	Fred C. Vanhoose
J. Edgar Hadden	Geo. W. Newman	Oscar Vest
Arch L. Hamilton	D. A. O'Donovan	Geo. C. Waggoner
Oscar P. Harvey	C. C. Oney	W. T. Walker
H. C. Hawkins	Brodie Payne	W. S. Wallen
Thos. O. Holder	H. Walter Pierce	W. G. Wheeler
N. T. Hopkins	S. R. Powell	J. B. Wicker
David J. Howard	Arch M. Quarles	T. C. Willis
Frank J. Humbert	R. I. Rice	—80

There voted in the negative—

Thos. Bowman —1

Mr. Meyers moved that the vote by which said Resolution was adopted be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Drury offered the following Resolution, viz.:

H. Res. 21. Resolution providing for furnishing Kentucky Directories.

Ordered that said Resolution lie on the Clerk's desk.

Mr. Button offered the Petition of the Kentucky Brotherhood of Threshermen endorsing compulsory Workmen's Compensation laws.

Which was received, its reading dispensed with and referred to the Committee on Rules.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 225. An Act for the benefit of the Red Cross Association (colored), of Louisville.

S. B. 245. An Act accepting, in behalf of the Commonwealth of Kentucky, from Arch H. Pulliam and others, constituting the Old Kentucky Home Commission, title to the estate near Bardstown, Kentucky, known as "Federal Hill" creating a commission to receive and hold title to said property under the name of "My Old Kentucky Home Commission"; prescribing the qualification of the members of said commission, prescribing the powers and duties of said commission, and appropriating money to be used by said commission for the improvement and maintenance of "Federal Hill."

Said bills were ordered to be printed and referred to Committee on Rules.

By unanimous consent the following bills were introduced, viz:

By Mr. Howard.

H. B. 473. An Act to provide for safety devices on certain automobiles and motor trucks. Giving notice of the intention of the operator of same to stop or turn to the right or to the left.

By Mr. Button.

H. B. 474. An Act providing a lien for Threshermen and Materialmen.

By Mr. Button.

H. B. 475. An Act requiring the inspection of portable boilers and creating an inspector thereof.

Said bills were ordered printed and referred to Committee on Rules.

Mr. Drury of the Committee on Rules, reported the following bills with the expression of opinion that they ought to pass.

H. B. 316. An Act for apropriating money for the repairs of the Taylor Vault and perpetual upkeep of the ground thereabout.

H. B. 448. An Act to amend the Constitution of the Commonwealth of Kentucky by adding thereto Sec. 412, relating to the time the General Assembly shall remain in session and the introduction and passage of Acts and Resolutions.

H. B. 449. An Act authorizing County Boards of Education to issue bonds for the purpose of providing funds for purchasing grounds and constructing buildings for school purposes.

H. B. 451. An Act to amend sec. 5 of chapter 17 of the Acts of the General Assembly of 1920, relating to roads and highways.

H. B. 450. An Act to amend and re-enact sec. 861 of the Kentucky Statutes, 1918 Supplement, and being also sec. 961, chapter 144, of the Acts of 1920, entitled: "An Act to amend sections 854 to 878, both inclusive, of the Kentucky Statutes of 1915 compiled by the Hon. John D. Carroll, and to regulate the organization, incorporation, operation and management of building and loan associations, creating the department of Building and Loan Associations in the office of the Banking Commissioner and providing for the appointment of examiners and prescribing their duties and for the examination of all building and loan associations organized and doing business under the laws of this Commonwealth" and to provide that building and loan associations may borrow money for purposes not inconsistent with the objects of such Associations and to authorize the directors of such associations to cause the interest bearing obligation or obligations of the association to be issued therefor and to further provide that for purpose of making loans upon real estate the directors of such associations shall have authority to cause to be issued bonds and to deposit real estate notes of double amount of bonds issued as security with power to the association to change such notes so deposited and substitute in lieu thereof other notes of same or greater amount and to limit the amount which such associations may borrow.

H. B. 452. An Act to amend Sec. 5, project 32 of chapter 17 of the Acts of General Assembly, 1920, by adding to and extending said project.

H. B. 459. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly

of Kentucky of 1920, by adding thereto, as project No. 100B, extending from Ashbysburgh Ferry on Green River via Onton, Sebree, Dixon, Clay, Blackford to bridge across Tradewater river near Blackford.

H. B. 461. An Act establishing a road to run from New Castle, in Henry County, by way of North Pleasureville, Elmburg and Jacksonville to Frankfort, as a state primary road and designating said road as project No. 19A.

S. B. 78. An Act to repeal Sec. 4535k-1, Sec. 4535k-5, and all intervening sections of the Kentucky Statutes, Carroll's Edition, 1918, relating to Federal Aid and Vocational Education; also Sec. 4377, Sec. 4383, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the State Board of Education; also, Sec. 4384, Sec. 4398a-5, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the Superintendent of Public Instruction; and in order to provide for a more effective general administration and supervision of the common schools, and of vocational education in this Commonwealth, be there enacted in lieu thereof the following sections, relating to the duties and powers of the State Board of Education, and the following sections relating to the powers and duties of the Superintendent of Public Instruction.

S. B. 191. An Act to provide for the construction and maintenance, in cities of the first class, of memorials in honor of the soldiers and sailors furnished by such cities and the counties wherein situated, to the United States army and navy during the recent World War; providing for the voting of a bond issue in such cities; and for the acceptance of gifts and donations, for such purposes; partially repealing Sec. 2827, Kentucky Statutes; and for related purposes, including the creation of a Memorial Commission in such cities.

S. B. 220. An Act to amend and re-enact Sec. 5, Chapter 17, of the Acts of the General Assembly.

S. B. 237. An Act to promote the solvency of State banks, to authorize and regulate exchange charges, to prevent publication for non-payment when payment is offered in accordance with this Act.

S. B. 250. An Act to amend sec. 965, Kentucky Statutes, relating to the time for holding the terms of circuit court in the twelfth judicial district; composed of the Counties of Anderson, Henry, Shelby, Oldham, Spencer and Trimble.

S. B. 258. An Act to include singing in the curriculum of the public schools of the State of Kentucky.

S. B. 213. An Act providing for vacation for County Judge.

Said bills were read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz:

S. B. 115. An Act to amend Sec. 126 of the Civil Code of Practice by providing that in every action for debt a verified allegation shall be made that the debt sued on, theretofore, has been listed for taxation in all proper jurisdictions; and that without such allegation the action shall be dismissed without prejudice; and that no valid judgment shall be entered for the payment or collection of any such debt.

S. B. 234. An Act to aid in procuring and providing additional land for a site for the national sanatorium and hospital clinic for sick, mained and disabled soldiers near

Dawson Springs in Christian and Hopkins Counties in this Commonwealth, and appropriate the necessary funds therefor.

H. B. 245. An Act to amend and re-enact Section 4364 of the Kentucky Statutes, Carroll's Edition, 1918, relating to a common school and fixing the length of term.

H. B. 458. An Act making especial appropriations for the State Board of Charities and Corrections, with authority to expend the same for certain purposes, to acquire necessary property and to dispose of property not necessary for its uses.

H. B. 467. An Act to amend an Act entitled: "An Act relating to roads and bridges, and establishing a system of primary roads for the State of Kentucky."

S. Res. 24. Resolution providing for payment of Assistant for Superintendent of Public Printing.

S. B. 239. An Act empowering any University or Normal School which is maintained wholly or in part with funds furnished by the Commonwealth of Kentucky to acquire and condemn land and other material and property.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The House resumed the consideration of the matter under discussion, to-wit, H. B. 368.

(For title see Journal of yesterday.)

Mr. Drury offered the following Amendment, viz:

"Amend H. B. 368 by striking out all of lines 11, 12, 13, 14 of section 9 of said bill."

Said Amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Arch L. Hamilton	D. A. O'Donovan
B. C. Beckmann	H. C. Hawkins	James Park
C. W. Bennett	N. T. Hopkins	Brodie Payne
J. E. Bickett	David J. Howard	S. R. Powell
J. F. Bosworth	Frank J. Humbert	R. I. Rice
Thos. Bowman	J. T. Jennings	David I. Scott
Berl Boyd	Lester Jeter	Lee L. Simons
W. R. Button	Ira Jones	Ira D. Smith
Lee Clark	H. R. Lawrence	R. F. Stewart
F. B. Cross	Oscar Leibson	Frank L. Strange
Bryce Cundiff	Martin Light	H. V. Thompson
G. Givens Dixon	Rufus Lisle	Geo. F. Thompson
A. W. Dorsey	C. C. May	John M. Tinsley
G. Lucien Drury	Harry J. Meyers	Fred C. Vanhoose
Mrs. M. E. Flannery	Ed. P. Murrah	Oscar Vest
Dr. H. M. Fultz	B. A. Muster	Geo. C. Waggoner
W. L. Gossett	W. T. McGuire	W. T. Walker
Bryant Green	E. E. Nelson	W. S. Wallen
Ed. A. Gullion	Chas. A. Nelson	W. D. Watkins
J. Edgar Hadden	Geo. W. Newman	J. B. Wicker

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Those who voted in the negative were—

W. M. Boling	George W. Ellis	H. Walter Pierce
J. C. Day	Thos. O. Holder	Arthur Saunders
O. A. Denton	Wright Kelly	T. C. Willis
H. C. Duffy	C. C. Oney	—11

Resolved that the title thereof be as aforesaid.

Mr. Drury moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

By unanimous consent the following bill was introduced, ordered printed and referred to Committee on Rules, viz:

H. B. 476. An Act amending Chapter 17, Acts 1920, relating to roads and bridges.

A message was received from the Senate announcing that they had reconsidered and passed a resolution entitled:

S. Res. 22. Joint Resolution for the benefit of the Chief Clerks and the Assistant Clerks of the Senate and the House of Representatives.

The veto of the Governor to the contrary notwithstanding.

(For Resolution see House Journal February 28.)

The objection of the Governor and the reasons therefor are as follows, viz:

March 3, 1922.

VETO OF SENATE RESOLUTION No. 22.

I am compelled under the laws of the State of Kentucky

to veto this resolution. This Resolution undertakes to increase the pay of the Clerk of the Senate and of the Clerk of the House of Representatives beyond the amount fixed by law for their services, and further undertakes to increase their salary after their election to office. It therefore violates Section 1991 of the Kentucky Statutes and Sec. 3235 of the Constitution.

Both the Clerk of the Senate and the Clerk of the House knew what the salary provided by law was at the time they were elected and knowing the amount of this salary they very earnestly sought their election. This resolution now provides to increase that salary and proposes to increase it after they had been elected. The same proposition was made during the Legislature two years ago and was refused. The General Assembly has the right in the exercise of its discretion to override this veto, but I desire that the members of the General Assembly shall override this veto in the full knowledge that they are violating the Constitution of Kentucky when they do so.

(Signed) EDWIN P. MORROW,

Governor of Kentucky.

Thereupon the House proceeded as provided by the Constitution to reconsider said resolution.

After such reconsideration the question was taken upon the passage of said resolution, the objections of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken on the passage of said resolution the objections of the Governor to the contrary not-

withstanding in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	R. I. Rice
R. M. Amos	H. C. Hawkins	Arthur Saunders
B. C. Beckmann	N. T. Hopkins	David I. Scott
C. W. Bennett	David J. Howard	Lee L. Simons
J. E. Bickett	R. O. Huntsman	George W. Smith
W. M. Boling	Ira Jones	Ira D. Smith
J. F. Bosworth	H. R. Lawrence	R. F. Stewart
Thos. Bowman	Oscar Leibson	Frank L. Strange
Berl Boyd	Leon P. Lewis	H. V. Thompson
W. R. Button	Martin Light	Geo. F. Thompson
Bryce Cundiff	Rufus Lisle	D. D. Thornberry
O. A. Denton	C. C. May	John M. Tinsley
G. Givens Dixon	Harry J. Meyers	Garnett W. Tolin
A. W. Dorsey	Claude D. Minor	N. I. Toombs
G. Lucien Drury	R. C. Moore	Oscar Vest
H. C. Duffy	S. H. Moore	Geo. C. Waggoner
George W. Ellis	B. A. Muster	W. T. Walker
Mrs. M. E. Flannery	W. T. McGuire	W. S. Wallen
Emery L. Frazier	E. E. Nelson	W. D. Watkins
Dr. H. M. Fultz	Chas. A. Nelson	W. G. Wheeler
Bryant Green	C. C. Oney	J. B. Wicker
Ed. A. Gullion	Brodie Payne	
J. Edgar Hadden	H. Walter Pierce	—67

Mr. Lawrence moved that this Session of the House be extended indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration a bill entitled:

H. B. 367. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions and agencies of the State Govern-

ment, except for the legislative and judicial departments and except for the common schools, for the fiscal year ending June 30, 1924; designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of providing the necessary funds for the payment of salaries, cost of maintenance and operation of each of the departments, boards, commissions, institutions and agencies of the state government named in this act, for the fiscal year ending June 30, 1924, there are hereby appropriated out of the fund or funds specified herein the various amounts herein shown.

§ 2. *Adjutant General.*—Out of the general expenditure fund produced by the annual levy of fifteen cents, as now provided by law, there are hereby appropriated for the benefit of the Adjutant General's Department of the State for use for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For the payment of salaries and clerical hire, $12,000.00.

(b) For the payment of traveling expenses, maintenance and operation, supplies and repairs, including printing and postage necessary for the use of said department, $15,000.00.

(c) As an emergency fund for the use of said department, same to be expended only when an emergency exists and upon the order and with the approval of the Governor of the Commonwealth, $20,000.00.

§ 3. *Attorney General.*—There are hereby appropriated out of the general expenditure fund, for the use of the Attor-

ney General's Department of the Commonwealth of Kentucky for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For salaries of the Attorney General, First, Second and Third Assistant Attorneys General and Law Clerk, $14,900.00.

(b) For all stenographic help, the salaries to be determined by the Attorney General, $3,900.00.

(c) For necessary traveling expenses of the department when engaged in the State's business, printing, stamps and office supplies, $1,250.00.

§ 4. *Auditor of Public Accounts.*—There are hereby appropriated out of the general expenditure fund for the use of the Department of the Auditor of Public Accounts of the Commonwealth of Kentucky, for the fiscal year ending June 30, 1924, as hereinafter set out, the following sums for the following purposes.

(a) For salaries and clerical hire, $35,000.00.

(b) For printing, stamps, office supplies and necessary traveling expenses, $4,000.00.

§ 5. *Department of Motor Vehicles.*—There is hereby appropriated out of the sums realized from licenses on motor vehicles, for the benefit of the Department of Motor Vehicles of the Commonwealth of Kentucky, for the fiscal year ending June 30, 1924, not exceeding seventy-five cents for each motor vehicle registered under the provisions of the law regulating the registration of motor vehicles in the Commonwealth of Kentucky, same to be used for the payment of salaries, clerical hire, traveling expenses, printing, stamps, office supplies and license tags.

§ 6. *Department of Banking.*—For the purpose of paying the expenses of the Department of Banking of the Commonwealth of Kentucky for the fiscal year ending June 30, 1924, there are hereby appropriated and ordered to be paid out of the fees realized from an examination of sundry banks

and building and loan associations, as provided by law, the following sums for the following purposes:

(a) For the purpose of paying salaries, clerical help, traveling expenses, printing, stamps and office supplies, $35,000.00.

(b) For the purpose of paying salaries, clerical help, traveling expenses, printing, stamps and office supplies, in the operation of the Blue Sky Department, there is hereby appropriated and ordered to be paid out of the fees collected under the provisions of the Blue Sky Department the sum of $9,000.00.

§ 7. *State Board of Charities and Corrections.*—There are hereby appropriated out of the general expenditure fund for the use of the State Board of Charities and Corrections, having charge of the charitable, correctional and penal institutions of the Commonwealth of Kentucky, for the necessary expenditures for the fiscal year ending June 30, 1924, the following amounts for the following purposes:

(a) For the purpose of paying the salaries, clerical hire, traveling expenses, printing, stamps and necessary supplies for said State Board of Charities and Corrections, and the cost of operation, maintenance, improvements, repairs and all operating expenses for the fiscal year ending June 30, 1924, for the State Reformatory at Frankfort, State Penitentiary at Eddyville, Western State Hospital for the Insane at Hopkinsville, Central State Hospital for the Insane at Lakeland, Eastern State Hospital for the Insane at Lexington, Feeble-Minded Institute at Frankfort, and the Houses of Reform, $1,250,000.00.

For the same purposes, in addition to the said sum of $1,250,000.00, there is appropriated to the said State Board of Charities and Corrections all receipts of every character and kind realized by the said board in the operation of each and every institution under the control and supervision of said State Board of Charities and Corrections, including the re-

ceipts realized by the said board from the operation of convict road camps.

§ 8. *State Board of Election Commissioners.*—There is hereby appropriated out of the general expenditure fund, for the benefit of the State Board of Election Commissioners, for the fiscal year ending June 30, 1924, for the purpose of paying salaries, all clerical hire, for printing, stamps and all necessary supplies, the sum of $400.00.

§ 9. *State Board of Health.*—There are hereby appropriated out of the general expenditure fund, for the use of the State Board of Health for the fiscal year ending June 30, 1924, the following amounts to be used for the following purposes:

(a) For the purpose of paying salaries, clerical help, traveling expenses, printing, stamps, supplies and all other operating expenses, $70,000.00.

(b) For the prevention of venereal diseases, $20,000.00.

(c) For the prevention and treatment of trachoma, $11,000.00.

(d) For the prevention and treatment of tuberculosis, $10,000.00.

(e) For the protection of the health of mothers and children, in accordance with Section 3, Chapter 120, of the Acts of 1920, to be spent in co-operation with the Federal Government and in connection with funds received from the Federal Government, $21,298.84.

§ 10. *Department of Agriculture, Labor and Statistics.* —There are hereby appropriated out of the general expenditure fund for the use of the department of Agriculture, Labor and Statistics, for the fiscal year ending June 30, 1924, the following amounts for the following purposes:

(a) For the purpose of paying all the salaries and clerical hire for said department, $12,000.00.

(b) For the purpose of paying the per diem, traveling

expenses and other expenses now allowed by law to the State Board of Agriculture, $3,500,00.

(c) For the purpose of paying all the expenses of the Department of Labor, under the said State Department of Agriculture, Labor and Statistics, as now allowed by law or as may hereafter be allowed by law, $9,000.00.

(d) For the purpose of paying all the expenses of the Immigration Branch (free employment) of said department, as now allowed by law, or as may hereafter be allowed by law, $2,000.00.

(e) For the purpose of paying for the stationery, printing, office supplies, equipment, telephone and telegraph bills, express, freight and hauling charges, and postage of said department, and traveling expenses of Commissioner, $5,300.00.

(f) For the purpose of paying all the expenses incurred in the field work of said department of Agriculture, Labor and Statistics, now permitted and allowed by law, or as may hereafter be authorized by law; for defraying the expenses of said department in collecting statistics, as is now or may hereafter be allowed by law; for paying special premiums which said department is now or may hereafter be authorized by law; for defraying the expenses of said department in collecting statistics, as is now or may hereafter be allowed by law; for paying special premiums which said department is now or may hereafter be authorized by law to pay; and for creating an emergency and co-operative fund for the use of said department, as now or may hereafter be authorized by law, $15,700.00.

§ 11. *State Board of Agriculture.*—There are hereby appropriated out of the general expenditure fund, for the use of the State Board of Agriculture, for the Kentucky State Fair, for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For salaries, traveling expenses, maintenance and operation, $10,000.00.

(b) For premiums for the Kentucky State Fair, $15,000.00.

(c) For the purpose of meeting other necessary expenses for the conduct of the Kentucky State Fair, including additional premiums, all sums realized by the State Board of Agriculture from the sales of concessions, admissions, advertising, entry fees, stall rents, donations, exhibitors' tickets, rent of grounds, buildings, grand stand and midway show receipts, are hereby appropriated to the State Board of Agriculture, for the use and benefit of the Kentucky State Fair.

§ 12. *Confederate Pension Department.*—There are hereby appropriated out of the general expenditure fund, for the benefit of the Confederate Pension Department for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For salaries, including clerical hire, $4,600.00.

(b) For the payment of pensions heretofore allowed, or that may hereafter be allowed, $315,000.00.

(c) For printing, stamps, office supplies and other expenses of operation, $1,900.00.

§ 13. *Kentucky Confederate Home.*—There are hereby appropriated out of the general expenditure fund, for the benefit of the Kentucky Confederate Home, for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For the salaries of officers and employes, $14,550.00.

(b) For all expenses of operation and maintenance, $38,450.00.

§ 14. *Custodian of Public Buildings.*—There are hereby appropriated out of the general expenditure fund, for the benefit of the Custodian of Public Buildings, for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For all salaries of Custodian and other employes, $23,000.00.

(b) For repairs, supplies, permanent improvements of public buildings, and all other maintenance and operating expenses, including printing, stamps and office supplies, $40,000.00.

No repairs nor improvements shall be made by the Custodian of Public Buildings out of any part of the fund appropriated for said purpose, except upon order and approval of the Board of Sinking Fund Commissioners.

§ 15. *Kentucky Geological Survey.*—There are hereby appropriated out of the general expenditure fund for the Kentucky Geological Survey for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For the purpose of making geological, chemical, technical, soil and other investigations authorized by the provisions of Chapter 34 of the Acts of 1920, and for the purpose of paying all salaries, including the salary of the Director and State Geologist, field expenses, clerical assistance, laboratory, field equipment, supplies, freight charges and all necessary miscellaneous items of permanent improvement to the property and effects of the Kentucky Geological Survey, and for the purpose of paying for all office expenses, printing and traveling expenses, $23,000.00.

(b) For the purpose of making topographical surveys in co-operation with the United States Geological Survey, as provided by Chapter 34 of the Acts of 1920, $17,500.00.

No part of the appropriation of $17,500.00 herein provided for shall be used for the purpose of paying any of the office expenses of this department.

§ 16. *Department of Mines and Mining.*—There is hereby appropriated out of the general expenditure fund for the Department of Mines and Mining, for the fiscal year ending June 30, 1924, for the purpose of the payment of all salaries, clerical hire, traveling expenses allowed by law, printing,

stamps, supplies and all other costs of maintenance and operation of said department, the sum of $23,800.00.

§ 17. *Department of Public Roads.*—For the purpose of paying all the costs of operation and maintenance of the Department of Public Roads and for carrying on its activities, for the fiscal year ending June 30, 1924, there is hereby set aside and appropriated to the Department of Public Roads all of the funds now realized from the three-cent ad valorem tax on each one hundred dollars of taxable property in the State imposed by law, or any additional or other ad valorem tax that may be imposed by law, for exclusive benefit of public roads, and all funds realized from the automobile license tax now collected by law, or that may hereafter be imposed and collected by law for the benefit of said department and its activities. Out of said funds so realized and collected for said fiscal year, there is appropriated and authorized to be paid, for the purpose of paying the salaries of the State Highway Commission and of all persons employed in the central office, all salaries of division engineers, all costs of inspection and supervision, and the traveling expenses of all persons authorized under the law to draw same, together with all other expenses incurred in the maintenance and operation of said department, exclusive of money actually spent in the construction of roads, the sum of $275,000.00.

Said sum shall be so distributed and expended for said purposes herein enumerated as, in the judgment of the Commissioner of Public Roads, may be best for the efficient operation of this department and the carrying on of its activities; but not more than $60,000.00 of said $275,000.00 shall be expended for salaries and expenses of the central office, including salary and expenses of State Highway Engineer. All of the fund appropriated by this section, exclusive of said $275,000.00, shall be used exclusively by said department for the construction of public roads, as now provided by law or as may hereafter be provided by law.

§ 18. *Eastern Kentucky State Normal School.*—There is hereby appropriated out of the funds and from the sources hereinafter named, for the benefit of the Eastern Kentucky State Normal School, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, traveling expenses, printing, stamps, supplies and all other expenses of maintenance and operation of said institution for said fiscal-year, all money arising from the tax of five-eighths of one cent on each one hundred dollars of taxable property of the Commonwealth now levied and set aside by law for the benefit of said institution, and all money which may be raised by any other or additional levy that may be made for the benefit of said institution.

§ 19. *Western Kentucky State Normal School.*—There is hereby appropriated out of the funds and from the sources hereinafter named, for the benefit of the Western Kentucky State Normal School, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, traveling expenses, printing, stamps, supplies and all other expenses of maintenance and operation of said institution for said fiscal year, all money arising from the tax of five-eighths of one cent on each one hundred dollars of taxable property of the Commonwealth now levied and set aside by law for the benefit of said institution, and all money which may be raised by any other or additional levy that may be made for the benefit of said institution.

§ 20. *Executive Department.*—There are hereby appropriated out of the general expenditure fund, for the Executive Department of the State Government for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For salary of the Governor, Private Secretary, stenographic help and other employes, $12,070.00.

(b) Contingent fund now allowed by law, $3,000.00.

(c) For printing, stamps, office supplies, maintenance and operation of the department, $1,900.00.

§ 21. *Fire Prevention and Rating Department.*—For the purpose of administering the Fire Prevention and Rating Department, as now provided by law, and for the purpose of paying the salaries, including clerical help and all other expenses incident to the maintenance and operation of said department, now allowed by law or as may be hereafter allowed by law, for the fiscal year ending June 30, 1924, there is hereby set aside and appropriated to the use of said department the amount allowed for that purpose by section 4 of Chapter 16 of the Acts of 1920, same to be paid from the sources therein designated.

§ 22. *Game and Fish Commission.*—For the fiscal year ending June 30, 1923, there is hereby set aside and appropriated for the benefit of the Game and Fish Commission, to be expended by it for the purposes now allowed by law, or that may hereafter be allowed by law, all the fees and collections of all kinds and character now collected by law, or that may hereafter be imposed by law, for the benefit of said department.

§ 23. *Kentucky State Historical Society.*—There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Kentucky State Historical Society, for the fiscal year ending June 30, 1924, for the purpose of paying salaries of all officers and employes, including janitor, and all other expenses incident to the maintenance, operation and conduct of said department, the sum of $5,720.00.

§ 24. *Insurance Department.*—There is hereby set aside and appropriated to the use of the Insurance Department, for the fiscal year ending June 30, 1924, for the payment of salaries and all other expenses of maintenance and operation of said department, as now provided by law or as may hereafter be provided by law, all the fees and collections to which said

department is now entitled by law, or which it may hereafter be entitled to by law.

§ 25. *Kentucky Children's Home Society for White Children.*—There are hereby appropriated out of the general expenditure fund for the use of the Kentucky Children's Home Society for White Children, for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For the purpose of paying all salaries and every other expense incident to the operation and maintenance of said department, as now or that may hereafter be provided by law, $55,000.00.

(b) For the purpose of extinguishing the deficit heretofore incurred in the operation of said institution, $11,000.00.

§ 26. *Kentucky Home Society for Colored Children.*—There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Kentucky Home Society for Colored Children, for the fiscal year ending June 30, 1924, for the purpose now authorized by law, or for such other purposes as may be hereafter provided by law, the sum of $20,000.00.

§ 27. *Kentucky Normal and Industrial Institute for Colored Persons.*—There is hereby appropriated out of the general expenditure fund for the use and benefit of the Kentucky Normal and Industrial Institute for Colored Persons, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries and expenses of every kind incident to the maintenance and operation of said department, as now provided by law or as may hereafter be provided by law, the sum of $30,000.00.

§ 28. *Kentucky Library Commission.*—There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Kentucky Library Commission for the fiscal year ending June 30, 1924, to be expended by it for the purposes now allowed by law, or that may hereafter be allowed by law, the sum of $7,500.00.

§ 29. *Lieutenant Governor.*—There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Lieutenant Governor, for the fiscal year ending June 30, 1924, for the purpose of paying salary and other expenses allowed to said officer by law, or that may hereafter be allowed by law, the sum of $1,400.00.

§ 30. *Railroad Commission.*—There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Railroad Commission, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, traveling expenses, printing, stamps, office supplies and all other expenses incident to the operation and maintenance of said department, the sum of $16,000.00.

§ 31. *Kentucky Institution for the Education of the Blind.*—There are hereby appropriated out of the general expenditure fund, for the use and benefit of the Kentucky School for the Blind, for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For the salary of the Superintendent and for all other expenses incident to the operation and maintenance of the White Department of said institution, as now provided by law or as may hereafter be provided by law, $50,000.00.

(b) For all expenses incident to the operation and maintenance of the Colored Department of said institution, as now provided by law or as may hereafter be provided by law, $7,100.00.

(c) For the education and vocational training of the Adult Blind of Kentucky, to be expended in the manner and for the purposes now provided by law, or as may hereafter be provided by law, $17,000.00.

§ 32. *Kentucky School for the Deaf.*—There are hereby appropriated out of the general expenditure fund, for the benefit of the Kentucky School for the Deaf, for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For the payment of salaries and all other expenses incident to the maintenance and operation of the Department for White Children, $108,652.00.

(b) For salaries and all expenses incident to the operation and maintenance of the Department for Colored Children, $8,500.00.

The appropriation herein provided for under this section shall be in lieu of any per capita allowance per pupil heretofore allowed by the State.

§ 33. *Secretary of State.*—There is hereby appropriated out of the general expenditure fund for the use and benefit of the Department of the Secretary of State, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, clerical help, porter, printing, stamps, office supplies, and all other expenses incident to the operation of said department, $18,300.00.

§ 34. *State Inspector and Examiner.*—There is hereby appropriated for the use and benefit of the Department of State Inspector and Examiner, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, traveling expenses, printing, stamps, office supplies and all other expenses incident to the maintenance and operation of said department, the sum of $15,800.00.

§ 35. *State Librarian.*—There is hereby appropriated out of the general expenditure fund, for the use and benefit of the State Librarian, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, printing, books, stamps, office supplies and other costs incident to the operation and maintenance of said department, as now provided by law or as may hereafter be provided by law, the sum of $8,000.00.

§ 36. *State Live Stock Sanitary Board.*—There is hereby appropriated out of the general expenditure fund, for the use and benefit of the State Live Stock Sanitary Board, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, traveling expenses, printing, stamps, supplies

and all other expenses incident to the maintenance and operation of said department, as now provided by law or as may hereafter be provided by law, the sum of $28,000.00.

§ 37. *Superintendent of Public Printing.*—There is hereby appropriated out of the general expenditure fund, for the use and benefit of the Superintendent of Public Printing, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, including clerical help, traveling expenses, printing, stamps and office supplies, $2,000.00.

§ 38. *State Tax Commission.*—There are hereby appropriated out of the general expenditure fund, for the use and benefit of the State Tax Commission, for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For the purpose of paying all salaries, including clerical help, traveling expenses, printing, stamps, office supplies and other expenses incident to the operation and maintenance of said department, as is now or may hereafter be allowed by law, $70,000.00.

(b) For the purpose of making a survey of the mineral lands of Kentucky, in order that their value may be more accurately ascertained, $20,000.00.

§ 39. *State Board of Examiners of Trained Nurses.*—For the use and benefit of the State Board of Examiners of Trained Nurses, for the fiscal year ending June 30, 1924, there is hereby appropriated and set aside for the purpose of paying all costs of maintenance and operation of said board, all the fees and other collections collected for the use and benefit of said Board, as now provided by law or as may hereafter be provided by law.

§ 40. *State Treasurer.*—There is hereby appropriated out of the general expenditure fund, for the use and benefit of the State Treasurer's Department, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, clerical help, printing, stamps, supplies and all other ex-

penses incident to the maintenance and operation of said department, now authorized by law or that may hereafter be authorized by law, the sum of $13,250.00.

§ 41. *Vocational Education Board.*—There are hereby appropriated for the use and benefit of the Vocational Education Board of Kentucky, for the fiscal year ending June 30, 1924, the following sums out of the following named funds and sources and for the following named purposes:

(a) For the purpose of carrying on Teacher Training Instruction in the State of Kentucky, under the provisions of Chapter 7 of the Acts of 1918, there is hereby appropriated out of the general expenditure fund, $24,987.00.

(b) For the purpose of paying all the costs of inspection and supervision of the courses in teacher training under the provisions of Chapter 7 of the Acts of 1918, there is hereby appropriated out of the general expenditure fund, $2,500.00.

§ 42. *University of Kentucky.*—There are hereby appropriated and set aside out of the funds and from the sources hereinafter designated, for the use and benefit of the University of Kentucky, for the fiscal year ending June 30, 1924, the following sums from the following funds and sources and for the following purposes:

(a) For the purpose of paying salaries and all other expenses of maintenance and operation of the Division of Colleges of the University of Kentucky, in the manner now authorized by law or as may hereafter be authorized by law, there is set aside and appropriated all the tax of one and three-fourths cents on each one hundred dollars of taxable property in the Commonwealth, as now allowed and authorized by law.

(b) For the purpose of paying for the cost of maintenance and operation of the Experiment Station of the University of Kentucky for said fiscal year, as now authorized by law, or as may hereafter be authorized by law, there is

appropriated out of the general expenditure fund the sum of $50,000.00.

(c) For the purpose of paying all the costs of the maintenance and operation of the Extension Division of the University of Kentucky for said fiscal year, in the manner now authorized by law or as may hereafter be authorized by law, there is hereby appropriated out of the general expenditure fund the sum of $142,241.30.

(d) For agricultural instruction, same to be paid out of the general expenditure fund, $30,000.00.

(e) For the purpose of paying the Experiment Station of the University of Kentucky for making all analyses for the State Board of Health under the provisions of Chapter 65 of the Acts of 1918, and for making all analyses requested by any other department of the State government, to be paid in equal monthly installments, $18,000.00.

(f) For permanent improvements to Chemical Building, $25,000.00.

§ 43. *Workmen's Compensation Board.*—For the use and benefit of the Workmen's Compensation Board, for the fiscal year ending June 30, 1924, for the purpose of paying all the salaries, traveling expenses, printing, stamps, supplies and all other expenses of the operation and maintenance of said board, as now provided by law or as may hereafter be provided by law, there is hereby set aside and appropriated all the funds now collected by law, or that may hereafter be collected by law, for the benefit of said Workmen's Compensation Board.

§ 44. *Commissioners of Sinking Fund.*—There is hereby appropriated and set aside to the use of the Sinking Fund Commissioners for the fiscal year ending June 30, 1924, the tax now allowed by law of one cent on each one hundred dollars of taxable property in the Commonwealth, to be used by said Commissioners for the purposes now authorized by law, or that may hereafter be authorized by law.

§ 45. *Visiting County Nurses.*—There is hereby appropriated and set aside out of the general expenditure fund for the fiscal year ending June 30, 1924, for the purpose of contributing to the compensation of Visiting County Nurses, under the provisions of Section 4 of Chapter 51 of the Acts of 1918, the sum of $7,500.00.

Said sum to be paid out only in the manner and for the purposes set out in said Chapter 51 of the Acts or 1918.

§ 46. *Budget Appropriation Commission.*—For the use and benefit of the Budget Appropriation Commission for the fiscal year ending June 30, 1924, for the purpose of paying for clerical and stenographic hire and all other expenses authorized to be incurred by said Commission under the law, there is hereby appropriated out of the general expenditure fund the sum of $500.00.

§ 47. *State Printing Commission.*—There is hereby appropriated to the State Printing Commission, for the purpose of paying for the necessary paper for use in State printing, for the fiscal year ending June 30, 1924, in the manner now provided by law, the sum of $55,000.00.

§ 48. *Clerk of the Court of Appeals.*—There is hereby appropriated out of the general expenditure fund, for the benefit of the office of the Clerk of the Court of Appeals, for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, printing, office supplies, janitor service and other expenses incident to the operation of said office, the sum of $14,500.00.

§ 49. *Superintendent of Public Instruction.*—There is hereby appropriated out of the public school fund of the State for the use and benefit of the Department of the Superintendent of Public Instruction for the fiscal year ending June 30, 1924, for the purpose of paying all salaries, as now fixed by law or may hereafter be fixed by law, for all necessary clerical, stenographic and professional assistance in the said department, the sum of $45,000.00.

§ 50. *Miscellaneous.*—In order to meet and provide for the payment for the fiscal year ending June 30, 1924, of the sums necessary to pay the costs of suits, attorneys' fees, conveyance of lunatics to the various asylums for the insane, commissions on fines and forfeitures, compensation for County Tax Commissioners, as now provided by law, costs of criminal prosecutions, amounts due the various clerks of the Commonwealth for their services and authorized to be paid out of the State Treasury, cost and distribution of public books, express charges not otherwise provided for in this act; the cost of the care of graves in the Frankfort cemetery, as allowed by law, the yearly allowances made to idiots by the various circuit courts of the Commonwealth, interest on outstanding warrants or on warrants that may hereafter be issued, the per diem compensation of the Jury Commissioners of the various counties of the Commonwealth, the per centum of Jefferson county fees refunded to the various officers of Jefferson county, as now authorized by law, the sums allowed by law for the Law Library of the Commonwealth, to cover all moneys that may be required to be refunded as now provided by law, or as may hereafter be provided by law, the cost of public books, including record books, compensation of the various county boards of supervisors, any and all rewards authorized by law, and any and all exonerations allowed to the sheriff by law, and any and all amounts authorized by law to be paid to the trustee of the jury fund of the various counties of the Commonwealth, and any other general expenditures now allowed by law and payable out of the general expenditure fund of the Commonwealth, the Auditor is authorized and directed to draw his warrant for the amount due, and the Treasurer is authorized to pay the same, in the manner now authorized by law for the payment of such claims. For the purpose of paying all costs of operation of the Legislative Department of the State Government, and of the judicial Department of the State Government, the common

school system and salaries of Commonwealth's Attorneys, for the fiscal year ending June 30, 1924, and not specifically provided for in this act, the Auditor of Public Accounts is authorized and directed to draw his warrant and the Treasurer to pay same in the manner now provided by law for the payment of such claims.

§ 51. Each section of this act appropriating money is designed to be a separate and distinct appropriation, and, in event any appropriation made is held to be unauthorized by law, it shall in no wise affect the other appropriations provided for in this act.

Mr. Lewis offered the following Amendment, viz:

"Amend H. B. 367 by substituting for Sec. 31 in the printed bill thereof, beginning with line 1 and ending with line 14, the following:

31. *Kentucky School for the Blind.*—There are hereby appropriated out of the general expenditure fund, for the use and benefit of the Kentucky School for the Blind, for the fiscal year ending June 30, 1924, the following sums for the following purposes:

(a) For the payment of salaries and all other expenses incident to the maintenance and operation of the White Department of the Kentucky School for the Blind, $55,000.00.

(b) For the payment of salaries and all other expenses incident to the maintenance and operation of the Colored Department of the Kentucky School for the Blind, $8,500.00.

(c) For the education and vocational training of the Adult Blind of Kentucky, to be expended in the manner and for the purpose now provided by law, or as may hereafter be provided by law, $20,000.00.

Said Amendment was agreed to.

Mr. Drury offered the following Amendment, viz:

"Amend H. B. 367 by substituting $40,000 for $30,000 when same occurs in line 7 of Section 27."

Said Amendment was agreed to.

Mr. Drury offered the following Amendment, viz:

"Amend H. B. 367 by substituting $50,000 for $70,000 where same occurs in line 7 of Section 9."

Said Amendment was disagreed to.

Mr. Waggoner offered the following Amendment, viz:

"Amend H. B. 367, Sec. 25, line 8, by inserting $70,000 in lieu of $55,000."

Said Amendment was agreed to.

The yeas and nays being required thereon by Messrs. Denton and Oney were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	David J. Howard	W. T. McGuire
B. C. Beckmann	Frank J. Humbert	D. A. O'Donovan
C. W. Bennett	Lester Jeter	James Park
J. F. Bosworth	Ira Jones	Brodie Payne
John E. Brown	Oscar Leibson	H. Walter Pierce
W. R. Button	Leon P. Lewis	S. R. Powell
Chas. Chandler	Martin Light	Arch M. Quarles
E. B. Cross	Rufus Lisle	R. I. Rice
G. Givens Dixon	Harry J. Meyers	David I. Scott
Mrs. M. E. Flannery	Harry B. Miller	Lee L. Simons
Emery L. Frazier	Claude D. Minor	George W. Smith
Ed. A. Gullion	S. H. Moore	Ira D. Smith
Oscar P. Harvey	B. A. Muster	R. F. Stewart

H. V. Thompson	Oscar Vest	W. D. Watkins
John M. Tinsley	Geo. C. Waggoner	W. G. Wheeler
N. I. Toombs	W. T. Walker	J. B. Wicker
Fred C. Vanhoose	W. S. Wallen	—50

Those who voted in the negative were—

Samuel W. Adams	Dr. H. M. Fultz	Chas. A. Nelson
J. E. Bickett	W. L. Gossett	Geo. W. Newman
W. M. Boling	J. Edgar Hadden	C. C. Oney
Thos. Bowman	H. C. Hawkins	Reuben E. Skaggs
Sam A. Cary	Thos. O. Holder	Frank L. Strange
Lee Clark	N. T. Hopkins	Geo. F. Thompson
Bryce Cundiff	R. O. Huntsman	S. G. Thornberry
J. C. Day	Wright Kelly	D. D. Thornberry
O. A. Denton	H. R. Lawrence	John L. Trumbo
G. Lucien Drury	R. C. Moore	T. C. Willis
H. C. Duffy	Ed. P. Murrah	
George W. Ellis	C. D. McCaw	—34

Mr. Hamilton offered the following Amendment, viz:

"Amend H. B. 367 by adding the following substitute to section 42:

(1) For payment on University debt, $45,000.

Said Amendment was agreed to.

Mr. Hamilton offered the following Amendment, viz:

"Amend subsection (f) of sec. 42 in line 30 of the present bill of H. B. 367 by striking out "to Chemical Building $25,-000" and inserting in lieu thereof the figures $100,000."

Said Amendment was agreed to.

The yeas and nays being required thereon by Messrs. Denton and Oney were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Berl Boyd	G. Givens Dixon
B. C. Beckmann	W. R. Button	A. W. Dorsey
J. F. Bosworth	Bryce Cundiff	Mrs. M. E. Flannery

Emery L. Frazier	Oscar Leibson	David I. Scott
W. L. Gossett	Leon P. Lewis	George W. Smith
Bryant Green	Martin Light	Ira D. Smith
Ed. A. Gullion	Rufus Lisle	R. F. Stewart
J. Edgar Hadden	C. C. May	Frank L. Strange
Arch L. Hamilton	Harry J. Meyers	John M. Tinsley
Oscar P. Harvey	Harry B. Miller	Oscar Vest
David J. Howard	Claude D. Minor	Geo. C. Waggoner
Frank J. Humbert	R. D. McMurtry	W. S. Wallen
Lester Jeter	James Park	W. D. Watkins
Ira Jones	Brodie Payne	
H. R. Lawrence	R. I. Rice	—43

Those who voted in the negative were—

R. M. Amos	Thos. O. Holder	Arthur Saunders
C. W. Bennett	N. T. Hopkins	Reuben E. Skaggs
J. E. Bickett	R. O. Huntsman	H. V. Thompson
W. M. Boling	Wright Kelly	Geo. F. Thompson
Thos. Bowman	R. C. Moore	H. Q. Thompson
Chas. Chandler	S. H. Moore	S. G. Thornberry
Lee Clark	Ed. P. Murrah	D. D. Thornberry
E. B. Cross	B. A. Muster	N. I. Toombs
J. C. Day	Chas. A. Nelson	Fred C. Vanhoose
O. A. Denton	Geo. W. Newman	W. T. Walker
George W. Ellis	C. C. Oney	J. B. Wicker
Dr. H. M. Fultz	H. Walter Pierce	T. C. Willis
H. C. Hawkins	S. R. Powell	—38

Mr. Rice offered the following Amendment, viz:

"Amend H. B. 367 and sec. 36 in line 7. That after the words "sum of" the figures $28,000 shall be stricken out and in lieu thereof the figures inserted shall be $35,500."

Said Amendment was agreed to.

The yeas and nays being required thereon by Messrs. Denton and Oney, were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	C. W. Bennett	John E. Brown
R. M. Amos	J. F. Bosworth	W. R. Button
B. C. Beckmann	Berl Boyd	Chas. Chandler

Lee Clark	Martin Light	David I. Scott
Bryce Cundiff	Rufus Lisle	Lee L. Simons
A. W. Dorsey	C. C. May	George W. Smith
Mrs. M. E. Flannery	Harry J. Meyers	Ira D. Smith
Emery L. Frazier	Harry B. Miller	R. F. Stewart
Bryant Green	Claude D. Minor	Frank L. Strange
Ed. A. Gullion	R. C. Moore	H. V. Thompson
J. Edgar Hadden	B. A. Muster	Geo. F. Thompson
Arch L. Hamilton	C. D. McCaw	John M. Tinsley
Oscar P. Harvey	W. T. McGuire	Garnett W. Tolin
H. C. Hawkins	R. D. McMurtry	John L. Trumbo
David J. Howard	E. E. Nelson	Oscar Vest
Lester Jeter	James Park	Geo. C. Waggoner
Ira Jones	Brodie Payne	W. T. Walker
H. R. Lawrence	H. Walter Pierce	W. S. Wallen
Oscar Leibson	S. R. Powell	W. D. Watkins
Leon P. Lewis	R. I. Rice	—59

Those who voted in the negative were—

J. E. Bickett	W. L. Gossett	C. C. Oney
W. M. Boling	Thos. O. Holder	Arthur Saunders
Thos. Bowman	N. T. Hopkins	Reuben E. Skaggs
E. B. Cross	R. O. Huntsman	H. Q. Thompson
J. C. Day	Wright Kelly	S. G. Thornberry
O. A. Denton	S. H. Moore	N. I. Toombs
G. Givens Dixon	Ed. P. Murrah	Fred C. Vanhoose
G. Lucien Drury	Chas. A. Nelson	J. B. Wicker
Dr. H. M. Fultz	Geo. W. Newman	T. C. Willis

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Mr. Strange offered the following Amendment, viz:

"Amend H. B. 367 by striking out of sec. 17, line 19, the figures $275,000 and inserting in lieu thereof the figures, "$225,000."

Said Amendment was agreed to.

Mr. Strange offered the following Amendment, viz:

"Amend H. B. 367 by adding at the end of section 18 the following:

"There is also appropriated out of the general expenditure fund for said fiscal year for the use and benefit of said institution the further sum of $27,000 for the purpose of erecting additional buildings, purchasing equipment and for the necessary maintenance of said Western Kentucky State Normal School."

Said Amendment was agreed to.

The yeas and nays being required thereon by Messrs. Denton and Oney were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	Brodie Payne
R. M. Amos	Oscar P. Harvey	H. Walter Pierce
B. C. Beckmann	H. C. Hawkins	S. R. Powell
C. W. Bennett	J. T. Jennings	Arch M. Quarles
J. E. Bickett	David J. Howard	R. I. Rice
J. F. Bosworth	Lester Jeter	David I. Scott
Berl Boyd	Ira Jones	Lee L. Simons
W. R. Button	H. R. Lawrence	Ira D. Smith
Sam A. Cary	Oscar Leibson	R. F. Stewart
Chas. Chandler	Leon P. Lewis	Frank L. Strange
Lee Clark	Martin Light	Garnett W. Tolin
Bryce Cundiff	Rufus Lisle	N. I. Toombs
G. Givens Dixon	C. C. May	John L. Trumbo
A. W. Dorsey	Harry J. Meyers	Fred C. Vanhoose
G. Lucien Drury	Harry B. Miller	Oscar Vest
George W. Ellis	Claude D. Minor	Geo. C. Waggoner
Mrs. M. E. Flannery	S. H. Moore	W. T. Walker
Emery L. Frazier	B. A. Muster	W. D. Watkins
W. L. Gossett	C. D. McCaw	W. G. Wheeler
Bryant Green	W. T. McGuire	J. B. Wicker
Ed. A. Gullion	R. D. McMurtry	T. C. Willis
J. Edgar Hadden	James Park	

—65

Those who voted in the negative were—

W. M. Boling	J. T. Jennings	Reuben E. Skaggs
E. B. Cross	Wright Kelly	H. V. Thompson
J. C. Day	Ed. P. Murrah	S. G. Thornberry
O. A. Denton	Chas. A. Nelson	D. D. Thornberry
H. C. Duffy	Geo. W. Newman	John M. Tinsley
Dr. H. M. Fultz	C. C. Oney	
R. O. Huntsman	Arthur Saunders	—19

Mr. Moore offered the following Amendment, viz:

"Amend H. B. 367 by striking therefrom Sec. 2, subsec. (b), line 9, the sum of $15,000 and inserting in lieu thereof the sum of $7,500; subsec. (c), line 12, the sum of $20,000, and inserting in lieu thereof the sum of $10,000."

Said Amendment was disagreed to.

Mr. Park offered the following Amendment, viz:

"Amend H. B. 367 by adding at the end of Sec. 18 the following:

There is also appropriated out of the general expenditure fund for said fiscal year for the use and benefit of said institution the further sum of $27,000.00 for the purpose of erecting additional buildings, purchasing equipment and for the necessary maintenance of said Eastern Kentucky State Normal School."

Said Amendment was agreed to.

The yeas and nays being required thereon by Messrs. Denton and Oney were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	C. W. Bennett	Thos. Bowman
R. M. Amos	J. E. Bickett	W. R. Button
B. C. Beckmann	J. F. Bosworth	Chas. Chandler

Lee Clark	Lester Jeter	S. R. Powell
E. B. Cross	Wright Kelly	R. I. Rice
Bryce Cundiff	H. R. Lawrence	David I. Scott
G. Givens Dixon	Oscar Leibson	Lee L. Simons
A. W. Dorsey	Leon P. Lewis	Ira D. Smith
G. Lucien Drury	Martin Light	R. F. Stewart
George W. Ellis	Rufus Lisle	Frank L. Strange
Mrs. M. E. Flannery	C. C. May	John M. Tinsley
Emery L. Frazier	Harry J. Meyers	Garnett W. Tolin
Dr. H. M. Fultz	Harry B. Miller	N. I. Toombs
W. L. Gossett	Claude D. Minor	Fred C. Vanhoose
Bryant Green	R. C. Moore	Oscar Vest
Ed. A. Gullion	S. H. Moore	Geo. C. Waggoner
J. Edgar Hadden	B. A. Muster	W. T. Walker
Arch L. Hamilton	C. D. McCaw	W. S. Wallen
Oscar P. Harvey	W. T. McGuire	W. D. Watkins
H. C. Hawkins	R. D. McMurtry	W. G. Wheeler
N. T. Hopkins	James Park	J. B. Wicker
David J. Howard	Brodie Payne	
Frank J. Humbert	H. Walter Pierce	—67

Those who voted in the negative were—

W. M. Boling	Chas. A. Nelson	S. G. Thornberry
O. A. Denton	Geo. W. Newman	D. D. Thornberry
H. C. Duffy	C. C. Oney	T. C. Willis
R. O. Huntsman	Arthur Saunders	
Ed. P. Murrah	H. V. Thompson	—13

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	C. W. Bennett	Thos. Bowman
R. M. Amos	J. E. Bickett	Berl Boyd
B. C. Beckmann	J. F. Bosworth	W. R. Button

Chas. Chandler	Ira Jones	David I. Scott
Lee Clark	Oscar Leibson	Lee L. Simons
E. B. Cross	Leon P. Lewis	Ira D. Smith
Bryce Cundiff	Martin Light	R. F. Stewart
A. W. Dorsey	Rufus Lisle	Frank L. Strange
G. Lucien Drury	C. C. May	H. V. Thompson
George W. Ellis	Harry J. Meyers	Geo. F. Thompson
Mrs. M. E. Flannery	Claude D. Minor	John M. Tinsley
Emery L. Frazier	B. A. Muster	Garnett W. Tolin
W. L. Gossett	C. D. McCaw	N. I. Toombs
Bryant Green	W. T. McGuire	Fred C. Vanhoose
Ed. A. Gullion	R. D. McMurtry	Oscar Vest
J. Edgar Hadden	E. E. Nelson	Geo. C. Waggoner
Arch L. Hamilton	Chas. A. Nelson	W. T. Walker
Oscar P. Harvey	James Park	W. S. Wallen
H. C. Hawkins	Brodie Payne	W. D. Watkins
N. T. Hopkins	H. Walter Pierce	W. G. Wheeler
David J. Howard	S. R. Powell	J. B. Wicker
Frank J. Humbert	Arch M. Quarles	
Lester Jeter	R. I. Rice	—67

Those who voted in the negative were—

W. M. Boling	R. O. Huntsman	C. C. Oney
O. A. Denton	J. T. Jennings	Arthur Saunders
H. C. Duffy	Wright Kelly	T. C. Willis
Thos. O. Holder	Geo. W. Newman	—11

Resolved that the title thereof be as aforesaid.

Mr. Drury moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Meyers moved that the House do now recess, the hour of twelve-thirty having arrived.

Said motion was agreed to.

And then the House recessed.

The hour of one-thirty having arrived, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 418. An Act relating to cities of the sixth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That all cities of the sixth class shall have the right to incur indebtedness not to exceed $4,500.00 for fire apparatus.

2. The board of trustees of said sixth class cities by a majority vote shall have the power to incur said indebtedness.

3. Whenever the board of trustees of cities of the sixth class shall incur indebtedness for fire protection, there shall be levied annually a tax not to exceed in any year, thirty cents on the one hundred dollars which shall be placed in sinking funds for redemption of said indebtedness.

4. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	Brodie Payne
R. M. Amos	N. T. Hopkins	H. Walter Pierce
B. C. Beckmann	David J. Howard	S. R. Powell
C. W. Bennett	Frank J. Humbert	R. I. Rice
W. M. Boling	Lester Jeter	Arthur Saunders
J. F. Bosworth	Oscar Leibson	David I. Scott
Berl Boyd	Leon P. Lewis	Lee L. Simons
Sam A. Cary	Martin Light	Ira D. Smith
Chas. Chandler	Rufus Lisle	R. F. Stewart
Lee Clark	C. C. May	Frank L. Strange
E. B. Cross	Harry J. Meyers	H. V. Thompson
Bryce Cundiff	Harry B. Miller	Geo. F. Thompson
O. A. Denton	Claude D. Minor	S. G. Thornberry
A. W. Dorsey	S. H. Moore	D. D. Thornberry
G. Lucien Drury	Ed. P. Murrah	John M. Tinsley
George W. Ellis	B. A. Muster	N. I. Toombs
Mrs. M. E. Flannery	C. D. McCaw	Fred C. Vanhoose
Emery L. Frazier	W. T. McGuire	Oscar Vest
W. L. Gossett	R. D. McMurtry	Geo. C. Waggoner
Bryant Green	E. E. Nelson	W. S. Wallen
Ed. A. Gullion	Chas. A. Nelson	W. D. Watkins
J. Edgar Hadden	Geo. W. Newman	W. G. Wheeler
Oscar P. Harvey	D. A. O'Donovan	T. C. Willis

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There voted in the negative—

C. C. Oney —1

Resolved that the title thereof be as aforesaid.

Mr. Drury moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House

took up for consideration from the Orders of the Day, a bill entitled:

H. B. 427. An Act to amend an Act entitled: "An Act relating to roads and bridges and being chapter 17 of the Acts of 1920.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Project 8 of Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, be amended by adding thereto the following:

Project 8a. A road running from Morganfield through Boxville, Tilden and Jones Stand to the nearest point on the Dixie Bee Lineman.

Project 8b. Running from Sturgis through Dekoven to Caseyville on the Ohio River.

Mr. Drury offered the following Amendment, viz:

"Amend H. B. 427 by adding in line 3, project 8, after the word "from" and before the word "Morganfield," the following:

"Blackburn opposite Shawneetown through Spring Grove to."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being required thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	David J. Howard	Arch M. Quarles
B. C. Beckmann	Frank J. Humbert	R. I. Rice
C. W. Bennett	R. O. Huntsman	Arthur Saunders
W. M. Boling	Lester Jeter	David I. Scott
J. F. Bosworth	Lester Jeter	Lee L. Simons
Sam A. Cary	Oscar Leibson	Reuben E. Skaggs
Chas. Chandler	Leon P. Lewis	Ira D. Smith
Lee Clark	Martin Light	R. F. Stewart
E. B. Cross	Rufus Lisle	H. V. Thompson
Bryce Cundiff	C. C. May	Geo. F. Thompson
J. C. Day	Harry J. Meyers	H. Q. Thompson
O. A. Denton	Harry B. Miller	S. G. Thornberry
A. W. Dorsey	Claude D. Minor	D. D. Thornberry
G. Lucien Drury	R. C. Moore	John M. Tinsley
George W. Ellis	S. H. Moore	Garnett W. Tolin
Mrs. M. E. Flannery	Ed. P. Murrah	Fred C. Vanhoose
Emery L. Frazier	W. T. McGuire	Geo. C. Waggoner
Bryant Green	R. D. McMurtry	W. T. Walker
Ed. A. Gullion	E. E. Nelson	W. S. Wallen
J. Edgar Hadden	Geo. W. Newman	W. D. Watkins
Oscar P. Harvey	C. C. Oney	J. B. Wicker
H. C. Hawkins	Brodie Payne	T. C. Willis
Thos. O. Holder	H. Walter Pierce	
N. T. Hopkins	S. R. Powell	—70

Those who voted in the negative were—

R. M. Amos	Berl Boyd	—2

Resolved that the title thereof be as aforesaid.

Mr. Drury moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 425. An Act making the road leading from Perryville in Boyle County to Springfield in Washington County a part of the system of primary roads of Kentucky, connecting thereby project 25 at Perryville with project No. 47 at Springfield, said projects as numbered being so designated in the road laws enacted at the regular session of the General Assembly of Kentucky in 1920.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the road leading from Perryville in Boyle County to Springfield in Washington County, be and the same is hereby named and designated as a part of the primary road system of Kentucky, as described in the road laws enacted by the 1920 Session of the General Assembly of Kentucky, said road herein so named thus connecting Project 25 at Perryville with Project 47 at Springfield, as named and described in said Acts of 1920.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	H. Walter Pierce
B. C. Beckmann	N. T. Hopkins	S. R. Powell
C. W. Bennett	David J. Howard	R. I. Rice
W. M. Boling	R. O. Huntsman	Arthur Saunders
Sam A. Cary	Lester Jeter	David I. Scott
Chas. Chandler	Wright Kelly	Lee L. Simons
E. B. Cross	Leon P. Lewis	Ira D. Smith
Bryce Cundiff	Rufus Lisle	R. F. Stewart
J. C. Day	Harry J. Meyers	Geo. F. Thompson
O. A. Denton	Harry B. Miller	H. Q. Thompson
G. Givens Dixon	Claude D. Minor	S. G. Thornberry
A. W. Dorsey	R. C. Moore	D. D. Thornberry
G. Lucien Drury	S. H. Moore	John M. Tinsley
George W. Ellis	W. T. McGuire	Garnett W. Tolin
Mrs. M. E. Flannery	R. D. McMurtry	N. I. Toombs
Bryant Green	E. E. Nelson	Fred C. Vanhoose
Ed. A. Gullion	Chas. A. Nelson	Oscar Vest
J. Edgar Hadden	Geo. W. Newman	W. T. Walker
Arch L. Hamilton	D. A. O'Donovan	W. S. Wallen
Oscar P. Harvey	James Park	W. D. Watkins
H. C. Hawkins	Brodie Payne	—62

Mr. Minor offered the following Amendment to said title, viz:

"Amend the title to H. B. 425 by substituting the following therefor:

An Act making the road leading from Perryville in Boyle County to Springfield in Washington County, connecting thereby project No. 25 at Perryville with project No. 47 Springfield, as designated in Acts 1920, and also making the road leading from Danville in Boyle County to Hustonville in Lincoln County, a part of the Primary Road System."

Said Amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Drury moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 405. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of Kentucky of 1920, by adding thereto, as project No. —, extending from Leitchfield via Caneyville, Horse Branch and Rosine to Beaver Dam.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the General Assembly of Kentucky of 1920, be amended by adding to and inserting just after the last named Project No. — on page 92 thereof, the following:

"Project No. —, from Leitchfield via Caneyville, via Horse Branch, via Rosine to Beaver Dam."

Mr. Denton offered the following amendment, viz:

"Amend H. B. 405, line 4, by adding the words "via Morgantown Road" just after the word "Leitchfield" and before the word "Caneyville."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

B. C. Beckmann	Oscar P. Harvey	H. Walter Pierce
C. W. Bennett	H. C. Hawkins	David I. Scott
W. M. Boling	Thos. O. Holder	Lee L. Simons
J. F. Bosworth	N. T. Hopkins	Reuben E. Skaggs
Thos. Bowman	David J. Howard	George W. Smith
Sam A. Cary	Lester Jeter	H. V. Thompson
F. B. Cross	Ira Jones	H. Q. Thompson
Bryce Cundiff	Wright Kelly	S. G. Thornberry
J. C. Day	Leon P. Lewis	John M. Tinsley
O. A. Denton	Martin Light	Garnett W. Tolin
G. Givens Dixon	Rufus Lisle	N. I. Toombs
A. W. Dorsey	Harry J. Meyers	John L. Trumbo
G. Lucien Drury	Harry B. Miller	Fred C. Vanhoose
George W. Ellis	R. C. Moore	Oscar Vest
Mrs. M. E. Flannery	S. H. Moore	W. T. Walker
Emery L. Frazier	F. E. Nelson	W. S. Wallen
Dr. H. M. Fultz	Geo. W. Newman	W. D. Watkins
Ed. A. Gullion	C. C. Oney	J. B. Wicker

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Resolved that the title thereof be as aforesaid.

Mr. Drury moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 188. An Act pertaining to minerals; requiring certain reports to the State Geologist; fixing the time and place for filing same; providing for penalties and fees, the disposition if such fees; requiring certain duties of the State Geologist and providing for payment of expenses incident to the proper fulfillment of the duties of the Kentucky Geological Survey hereunder.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That beginning January 1, 1922, all operators and producers, whether an individual, corporation or association, of coal, coke, petroleum, natural gas, artificial gas, asphalt, fluorspar, lead, zinc, iron, barite, calcite, aragonite, phosphate, mineral water, casing head gasoline, natural gas gasoline, natural gas carbon black, salt, clay, clay products, limestone, limestone products, marble, sand, sandstone, sandstone products, gypsum, gravel and gravel products, and all pipe line corporations transporting petroleum or natural gas, and all corporations refining petroleum, and all corporations transporting coal and coke shall prepare monthly reports of all of such above named products as may be produced or transported, at the same time reporting in detail the current monthly field market value of said productions, and giving the percentage of such products as are sold and delivered in the State of Kentucky, and the percentage of such products as are sold and delivered to other states of the United States

or foreign countries. Such statements shall be signed and sworn to before any officer authorized to administer an oath in this state, and shall be filed semi-annually before the 15th day of January and the 15th day of July with the State Geologist at Frankfort, Kentucky, such reports covering periods for the preceding six months' period beginning on January first and July first of each year.

§ 2. That all operators and producers of petroleum and natural gas in this state shall file with the State Geologist a sworn statement showing the nature, kind, location and probable depth of any well proposed to be drilled, before beginning work thereon, and within ten days after said well is completed or abandoned, shall file a sworn statement with said State Geologist, showing the location, depth, production, and ownership of said well, together with an accurate log or record of all rock strata penetrated by the bit in said operation.

§ 3. With each report mentioned in subsections 1 and 2 hereof the owner of such enterprise shall pay to the State Treasurer the sum of $2.00, who shall hold such fund, separate from all other funds, same to be paid to and used by the Kentucky Geological Survey for the purpose of co-operative topographic mapping in the mineral districts of this state, and for the filing and recording of all reports required hereunder, and the making and printing of the report as directed in section 5 hereof, and such other purposes of the Kentucky Geological Survey, as the State Geologist may deem proper.

§ 4. That any person, corporation or association who shall fail to file the reports when and as required by subsections 1 and 2 hereof shall be fined not less than $50.00 nor more than $500.00. Any person making a false oath to the statements required by subsections 1 and 2 hereof shall be guilty of false swearing and punished therefor as is now provided by law.

§ 5. The State Geologist is hereby authorized and di-

rected to prepare from the data thus submitted to the Kentucky Geological Survey an annual report covering the amount and value of the mineral resources of the State of Kentucky. Said report to appear as a regular report of the Kentucky Geological Survey, and in sufficient number to be distributed in the same manner as are other publications of the Kentucky Geological Survey.

§ 6. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and rejected.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

B. C. Beckmann	H. C. Duffy	H. Walter Pierce
C. W. Bennett	Emery L. Frazier	R. I. Rice
J. E. Bickett	Bryant Green	Arthur Saunders
W. M. Boling	J. Edgar Hadden	Lee L. Simons
Thos. Bowman	H. C. Hawkins	George W. Smith
Berl Boyd	David J. Howard	R. F. Stewart
John E. Brown	H. R. Lawrence	Frank L. Strange
W. R. Button	Leon P. Lewis	S. G. Thornberry
Lee Clark	Martin Light	Oscar Vest
Bryce Cundiff	R. C. Moore	W. D. Watkins
G. Givens Dixon	S. H. Moore	
A. W. Dorsey	Brodie Payne	—34

Those who voted in the negative were—

Samuel W. Adams	Sam A. Cary	J. C. Day
R. M. Amos	Chas. Chandler	O. A. Denton
J. F. Bosworth	E. B. Cross	G. Lucien Drury

George W. Ellis	Oscar Leibson	David I. Scott
Mrs. M. E. Flannery	Rufus Lisle	Reuben E. Skaggs
Dr. H. M. Fultz	C. C. May	Ira D. Smith
W. L. Gossett	Harry J. Meyers	John M. Tinsley
Ed. A. Gullion	Harry B. Miller	H. Q. Thompson
Arch L. Hamilton	Claude D. Minor	John L. Trumbo
Oscar P. Harvey	Ed. P. Murrah	Garnett W. Tolin
Thos. O. Holder	B. A. Muster	N. I. Toombs
N. T. Hopkins	W. T. McGuire	Fred C. Vanhoose
R. O. Huntsman	R. D. McMurtry	W. T. Walker
J. T. Jennings	E. E. Nelson	W. S. Wallen
Lester Jeter	Geo. W. Newman	W. G. Wheeler
Ira Jones	C. C. Oney	J. B. Wicker
Wright Kelly	S. R. Powell	T. C. Willis

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At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 304. An Act to enable any city of the First Class having a municipal university, to make proper provision, for such University.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That the term "Municipal University" as used in this Act is a University supported in whole or in part by funds raised by municipal taxation, and controlled by a Board of Trustees appointed by the Mayor and General Council of such municipality.

2. That in order to aid its Municipal University, the General Council of any City of the first class may adopt an ordinance or ordinances submitting to the voters of such City at any regular election or elections held in the City the

question of whether or not bonds of the City shall be issued for the benefit of the University under the provisions of this Act. Any such ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be then issued, and shall contain the necessary details with reference to the execution and delivery of such bonds, their denominations, coupons to be annexed, and taxes to be levied to pay interest and a sinking fund to retire such bonds at maturity, provided that the total amount of bonds, which may be authorized or issued under this Act, shall not exceed $1,000,000.00.

3. The matter of authorizing the issue of said bonds, and of submitting the question to the voters of the City, may be provided for by one ordinance covering the entire amount of said bonds in one issue, and pursuant to one election, or it may be provided for by different ordinances, authorizing different elections, at different times, for parts of the total amount, provided as aforesaid, that the total amount of bonds authorized to be issued by this Act shall not exceed $1,000,000.00. No failure of the voters at any election to authorize the issue of bonds then submitted to them shall prejudice the right to submit the question of issuing bonds under the authority of this Act at any subsequent election or elections.

4. The money derived from said bonds shall be used to meet the needs of the University, other than for its professional departments of Law, Medicine and Dentistry, and shall include, among other things, the acquisition of ground, the erection of improvements, and the securing of proper equipment, but shall not be used for the payment of salaries or other operating expenses.

5. Said bonds, when authorized and issued, shall be placed under the control of the President and Trustees of such University, who shall determine when and at what price they shall be sold; provided that no bonds shall be sold for less than par and that any premium which may be obtained

from said bonds shall constitute a part of the sinking fund for their ultimate redemption. If the said bonds are sold their proceeds shall go to the credit of such University in the same depositories as are selected for the deposit of the funds of the sinking fund commissioners of the City and upon the same agreement as to interest, and shall be withdrawn upon the checks of the treasurer of the University, countersigned by the President thereof.

6. The President and Treasurer of the University shall each give bond with approved surety in such sum as may be fixed by the General Council of the City, which bond shall be payable to the University and oblige the makers thereof to perform faithfully the duties of their respective offices and faithfully account for and pay over all money or other thing of value which may come into their respective hands. Such bonds shall be kept in force during the time any of the money herein provided for is being handled or administered by the University or its officers.

7. In doing any work provided for under this Act, the President and Trustees of the University shall have power to employ such person or persons as they may deem necessary, including architects and other technical advisers.

8. Any work herein provided for may be done by contract or contracts, or otherwise, in the discretion of said President and Trustees. When any contract shall involve the expenditure of $2,000.00 or more, it shall be awarded to the lowest and best bidder. All bids, or parts of bids, for any such work, or for any supplies, may be rejected by said President and Trustees. The President and Trustees may do any part, or parts, of this work by day labor, when deemed advisable.

9. The President and Trustees of the University shall annually report to the Mayor and the General Council of the City, what they do under this Act and account for all funds received by them.

That all acts and parts of acts in conflict herewith are re-

pealed, including an act passed at the session of 1920 (Session Acts of 1920, p. 510) for the purpose of enabling a City to provide for its Municipal University.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. Edgar Hadden	Geo. W. Newman
R. M. Amos	Arch L. Hamilton	C. C. Oney
B. C. Beckmann	H. C. Hawkins	Brodie Payne
C. W. Bennett	Thos. O. Holder	H. Walter Pierce
J. E. Bickett	N. T. Hopkins	R. I. Rice
W. M. Boling	David J. Howard	Arthur Saunders
J. F. Bosworth	Frank J. Humbert	David I. Scott
Thos. Bowman	R. O. Huntsman	Lee L. Simons
Berl Boyd	Ira Jones	Ira D. Smith
Sam A. Cary	Wright Kelly	R. F. Stewart
Chas. Chandler	H. R. Lawrence	H. V. Thompson
Lee Clark	Oscar Leibson	S. G. Thornberry
E. B. Cross	Leon P. Lewis	D. D. Thornberry
O. A. Denton	Rufus Lisle	John M. Tinsley
G. Givens Dixon	C. C. May	Garnett W. Tolin
A. W. Dorsey	Harry J. Meyers	N. I. Toombs
G. Lucien Drury	Harry B. Miller	Fred C. Vanhoose
George W. Ellis	Claude D. Minor	Geo. C. Waggoner
Mrs. M. E. Flannery	Ed. P. Murrah	W. T. Walker
Emery L. Frazier	W. T. McGuire	W. S. Wallen
Dr. H. M. Fultz	R. D. McMurtry	W. D. Watkins
Bryant Green	E. E. Nelson	J. B. Wicker
Ed. A. Gullion	Chas. A. Nelson	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Drury moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Dorsey of the Committee on Enrollment reported that they had examined and found correctly enrolled, a bill of the following title, viz:

S. B. 196. An Act for the benefit of the Western Kentucky Industrial College established at Paducah, Kentucky, and making appropriations thereto.

Thereupon all other business was suspended, and said bill was read at length and compared in open session, and thereupon the Speaker in the presence of the House and in open session affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

A message was received from the Senate announcing that they had passed a bill of the following title, viz:

S. B. 185. An Act to repeal sec. 3915 to 3921 inclusive, Kentucky Statutes, relating to pools, trusts and conspiracies in restraint of trade, being Chapter 102, Kentucky Statutes, Carroll's 1916 Edition, and to repeal Chapter 50, Acts 1920, sec. 1 to 22 inclusive, etc.

Ordered that said bill be printed and referred to Committee on Rules.

That they had reconsidered and passed a resolution entitled:

S. Res. 16. Joint Resolution for the benefit of Green Lacy, Sergeant-at-arms of the Senate and, C. W. Longmire, Sergeant-at-arms for the House of Representatives, and John Green and F. Boone Rapier, Doorkeepers for the Senate, and Thomas H. Golden and Lonnie Smith, Doorkeepers for the House of Representatives, and Press Blackburn, Cloakroom-keeper for the Senate, and Phil McCann and J. B. May, Cloakroom-keepers for the House of Representatives, and Henry Mashburn, Tolbert Wittenburg, Huston Gregory and Andrew Wallace, pages for the Senate, and Ignatiur Drury, Dolf Creal, Elliot Flannery and Sterling Herrington, pages for the House of Representatives.

The Governor's objections and veto to the contrary notwithstanding.

Thereupon the House proceeded as provided by the Constitution to reconsider said resolution.

After such reconsideration the question was taken on the passage of said resolution, the objection and veto of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. F. Bosworth	Bryce Cundiff
R. M. Amos	Thos. Bowman	G. Givens Dixon
B. C. Beckmann	Berl Boyd	A. W. Dorsey
C. W. Bennett	W. R. Button	G. Lucien Drury
J. E. Bickett	Chas. Chandler	H. C. Duffy

George W. Ellis	Martin Light	Arthur Saunders
Mrs. M. E. Flannery	Rufus Lisle	David I. Scott
W. L. Gossett	C. C. May	Lee L. Simons
Bryant Green	Harry J. Meyers	Ira D. Smith
Ed. A. Gullion	Claude D. Minor	R. F. Stewart
J. Edgar Hadden	S. H. Moore	Frank L. Strange
Arch L. Hamilton	B. A. Muster	H. V. Thompson
Oscar P. Harvey	C. D. McCaw	D. D. Thornberry
H. C. Hawkins	W. T. McGuire	Garnett W. Tolin
David J. Howard	Chas. A. Nelson	N. I. Toombs
Frank J. Humbert	Geo. W. Newman	Geo. C. Waggoner
R. O. Huntsman	D. A. O'Donovan	W. T. Walker
J. T. Jennings	C. C. Oney	W. S. Wallen
Lester Jeter	James Park	W. D. Watkins
Ira Jones	Brodie Payne	W. G. Wheeler
Wright Kelly	H. Walter Pierce	J. B. Wicker
H. R. Lawrence	S. R. Powell	T. C. Willis
Oscar Leibson	Arch M. Quarles	
Leon P. Lewis	R. I. Rice	—70

The objections of the Governor and his veto to said resolution are as follows, viz:

March 3, 1922.

VETO OF SENATE RESOLUTION 16.

I cannot give my approval to S. Res. 16 first because the Resolution plainly, clearly, unmistakably and deliberately violated Chapter 249 of the Constitution by providing for more help in each of the two Houses than that section of the Constitution provides for.

It is vetoed for the further reason that it provides for paying the officers named in the resolution a sum greater than the sum fixed by section 1991 of the Statutes, which section provided the amount of salary which each of the officers named in the resolution shall be paid.

It is vetoed for the further reason that it violated sec. 235 of the Constitution of Kentucky which prohibits the in-

crease of the salaries of public officers during the time for which they were elected.

The General Assembly may if it desired to do so, override my veto, but I am determined that the General Assembly shall know that in so doing, they will be knowingly and wilfully violating the Constitution which they took an oath to support and maintain.

For these reasons S. Res. 16 is vetoed.

(Signed) EDWIN P. MORROW,
Governor of Kentucky.

Mr. Drury moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 8, 1922.

The House was opened with prayer by the Rev. J. C. Pelgrim of the Presbyterian Church, Northern Assembly of Frankfort.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams	W. R. Button	Mrs. M. E. Flannery
R. M. Amos	Lee Clark	Emery L. Frazier
B. C. Beckmann	Bryce Cundiff	W. L. Gossett
C. W. Bennett	J. C. Day	Bryant Green
J. E. Bickett	O. A. Denton	Ed. A. Gullion
W. M. Boling	G. Givens Dixon	J. Edgar Hadden
J. F. Bosworth	A. W. Dorsey	Arch L. Hamilton
Thos. Bowman	G. Lucien Drury	H. C. Hawkins
Berl Boyd	W. D. Duncan	N. T. Hopkins
John E. Brown	George W. Ellis	David J. Howard

Frank J. Humbert	R. D. McMurtry	H. Q. Thompson
Lester Jeter	Chas. A. Nelson	S. G. Thornberry
Wright Kelly	D. A. O'Donovan	D. D. Thornberry
H. R. Lawrence	C. C. Oney	John M. Tinsley
Leon P. Lewis	Brodie Payne	Garnett W. Tolin
Martin Light	H. Walter Pierce	N. I. Toombs
Rufus Lisle	Arch M. Quarles	Fred C. Vanhoose
C. C. May	R. I. Rice	Oscar Vest
Harry J. Meyers	Arthur Saunders	Geo. C. Waggoner
Harry B. Miller	Lee L. Simons	W. T. Walker
Claude D. Minor	George W. Smith	W. S. Wallen
R. C. Moore	Ira D. Smith	W. D. Watkins
S. H. Moore	R. F. Stewart	W. G. Wheeler
B. A. Muster	Frank L. Strange	J. B. Wicker
C. D. McCaw	H. V. Thompson	T. C. Willis
W. T. McGuire	Geo. F. Thompson	

The reading of the Journal of yesterday's proceedings was dispensed with.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a Resolution entitled:

S. Res. 24. Joint Resolution providing for payment of assistant for Superintendent of Public Printing.

Said Resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Moses R. Glenn, Superintendent of Public Printing, be allowed the sum of $250.00, to be expended by him in the payment of help in the care of all printed bills and other matter pertaining to printing during the present session of the General Assembly, said services when obtained to terminate when this General Assembly adjourns, and the Auditor of

Public Accounts shall draw his warrant upon the Treasurer for payment of said sum.

Ordered that said Resolution be read the third time.

The Constitutional provision as to the third reading of said resloution at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar Leibson	Lee L. Simons
B. C. Beckmann	Leon P. Lewis	George W. Smith
C. W. Bennett	Martin Light	Ira D. Smith
J. E. Bickett	C. C. May	R. F. Stewart
W. M. Boling	Harry J. Meyers	Frank L. Strange
Lee Clark	Harry B. Miller	H. V. Thompson
Bryce Cundiff	Claude D. Minor	Geo. F. Thompson
A. W. Dorsey	R. C. Moore	H. Q. Thompson
G. Lucien Drury	S. H. Moore	John M. Tinsley
Mrs. M. E. Flannery	B. A. Muster	Garnett W. Tolin
J. Edgar Hadden	W. T. McGuire	N. I. Toombs
Oscar P. Harvey	E. E. Nelson	Oscar Vest
H. C. Hawkins	Chas. A. Nelson	W. T. Walker
J. T. Jennings	Geo. W. Newman	W. S. Wallen
David J. Howard	Brodie Payne	W. D. Watkins
J. T. Jennings	H. Walter Pierce	W. G. Wheeler
Lester Jeter	R. I. Rice	J. B. Wicker
H. R. Lawrence	David I. Scott	T. C. Willis

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Those who voted in the negative were—

W. D. Duncan	W. L. Gossett	S. G. Thornberry

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 21. Resolution providing for furnishing Kentucky Directories.

Said Resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the State Librarian is hereby authorized and directed to purchase at not exceeding one dollar and fifty cents per copy, five hundred copies of the book entitled "Kentucky Directory, one thousand nine hundred and twenty-two," for the use of the courts, state and county officials and members of the General Assembly of Kentucky. The Librarian will furnish the members of the General Assembly and such officials as may be designated by the presiding officers of the respective Houses, a copy of the same and will furnish the state officials with copies thereof and send a copy thereof to the clerk of the county court of each county of the state, to be kept in his office. The Librarian will furnish to the Librarian of each state and territory of the Union a copy of said book in exchange for similar books from the said states and territories and a copy to the Librarian of Congress.

Sec. 2. It being necessary that the officials should have the books herein provided for an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Arch L. Hamilton	S. R. Powell
R. M. Amos	Oscar P. Harvey	R. I. Rice
B. C. Beckmann	H. C. Hawkins	Arthur Saunders
C. W. Bennett	Thos. O. Holder	David I. Scott
J. E. Bickett	N. T. Hopkins	Lee L. Simons
W. M. Boling	David J. Howard	Reuben E. Skaggs
J. F. Bosworth	R. O. Huntsman	Ira D. Smith
Thos. Bowman	J. T. Jennings	R. F. Stewart
Berl Boyd	Lester Jeter	Frank L. Strange
W. R. Button	H. R. Lawrence	Geo. F. Thompson
Sam A. Cary	Leon P. Lewis	S. G. Thornberry
Chas. Chandler	Martin Light	D. D. Thornberry
Lee Clark	Rufus Lisle	John M. Tinsley
Bryce Cundiff	Harry J. Meyers	Garnett W. Tolin
O. A. Denton	Harry B. Miller	N. I. Toombs
G. Givens Dixon	Claude D. Minor	Oscar Vest
A. W. Dorsey	S. H. Moore	Geo. C. Waggoner
W. D. Duncan	B. A. Muster	W. T. Walker
George W. Ellis	C. D. McCaw	W. S. Wallen
Mrs. M. E. Flannery	W. T. McGuire	W. D. Watkins
Emery L. Frazier	E. E. Nelson	W. G. Wheeler
W. L. Gossett	Chas. A. Nelson	J. B. Wicker
Bryant Green	Geo. W. Newman	T. C. Willis
Ed. A. Gullion	Brodie Payne	
J. Edgar Hadden	H. Walter Pierce	—73

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Simons of the Committee on Rules reported the following bills with the expression of opinion that they ought to pass.

S. B. 12. An Act to amend Sec. 5 and to repeal Sec. 6, 10 and 12, of Chapter 100, of the Acts of the General Assembly of 1920, entitled: "An Act to define and prohibit criminal syndicalism and sedition and to prohibit the conduct, publications, assemblies and the use of property for the promotion of criminal syndicalism and sedition, prescribing the duties of peace officers and providing penalties."

S. B. 34. An Act to regulate the issue and redemption of script or other evidence of debt. In order to prohibit the graft from workmen's wages for advancement before pay day.

S. B. 249. An Act to amend and re-enact Sec. 2218 of Kentucky Statutes as amended and re-enacted by Chapter 165 of the Acts of the General Assembly of 1920.

H. B. 413. An Act to change the name of the Eastern Kentucky State Normal School and the name of the Western Kentucky State Normal School.

H. B. 379. An Act to secure to peace officers making arrests of persons charged with violation of the liquor laws, compensation for their work and expenses in making such arrest.

H. B. 468. An Act establishing a road to lead from Lancaster in Garrard County, via Crab Orchard, in Lincoln County, to Mt. Vernon, in Rockcastle County, as a State Primary Road, and designating same as project No. 23A.

H. B. 470. An Act to amend an Act entitled: "An Act relating to roads and bridges and establishing a system of primary roads for the State of Kentucky" and known as Chapter 17 of the Acts of 1920."

H. B. 471. An Act relating to roads and bridges, and amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky 1920, by adding thereto, as project No. — extending from Florence to Burlington.

S. B. 152. An Act imposing a license tax on each show, exhibition, concert or other performance where a fee is charged or collected, except where such show, exhibition, concert or other performance is given within the grounds of a county or state fair during the period when a fair is being conducted therein, and except where the proceeds of such show, exhibition, concert or other performance is devoted exclusively to religious, benevolent or educational purposes, or for the benefit of the American Legion, and except where such show, exhibition, concert or other performance is in a licensed hall.

S. B. 200. An Act to repeal Sec. 1, Sec. 2 and Sec. 3 of Chapter 36 of the Acts of the General Assembly of 1920, relating to the election and qualification of members of county boards of education and providing for the selection of a treasurer thereof, and to enact in lieu thereof the following sections, providing for a system by which the county district may be divided into five divisions as nearly equal in population as practicable, and for the election of one member of the county board of education from each such division, and fixing the manner and time of the election, the term of office, and the jurisdiction of the county board so elected, and providing for the selection of a treasurer thereof.

H. B. 403. An Act for the better punishment of bribery and corruption in elections and repealing sections 1586 and 1587 of Carroll's Kentucky Statutes and re-enacting same.

S. B. 118. An Act to amend and re-enact subsec. 1 of Sec. 4636c, Kentucky Statutes, Carroll's 1918 Edition, relating to the appointment and qualification of members of the Board of Trustees of the University of Kentucky.

S. B. 185. An Act to repeal sec. 3915 to 392 inclusive Kentucky Statutes, relating to pools, trusts and conspiracies in restraint of trades and to repeal Chapter 150, Acts 1920, sec. 1 to 22 inclusive.

S. B. 245. An Act accepting in behalf of the Commonwealth of Kentucky from Arch H. Pulliam and others constituting the Old Kentucky Home Commission, title to the estate near Bardstown, Kentucky, known as "Federal Hill," creating a commission to receive and hold title to said property under the name of "My Old Kentucky Home Commission," prescribing duties and appropriating for said commission for improvements and maintenance of Federal Hill.

S. B. 84. An Act to amend and re-enact Sec. 815, Kentucky Statutes, Carroll's 1915 Edition.

H. B. 213. An Act providing a vacation for county judge.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. 316. An Act for appropriating money for the repairs of the Taylor Vault and perpetual upkeep of the ground thereabout.

H. B. 448. An Act to amend the Constitution of the Commonwealth of Kentucky by adding thereto Sec. 412, relating to the time the General Assembly shall remain in session and the introduction and passage of Acts and Resolutions.

H. B. 449. An Act authorizing County Boards of Education to issue bonds for the purpose of providing funds for purchasing grounds and constructing buildings for school purposes.

H. B. 451. An Act to amend sec. 5 of chapter 17 of the Acts of the General Assembly of 1920, relating to roads and highways.

H. B. 450. An Act to amend and re-enact sec. 861 of the Kentucky Statutes, 1918 Supplement, and being also sec. 861, chapter 144, of the Acts of 1920, entitled: "An Act to amend sections 854 to 878, both inclusive, of the Kentucky Statutes of 1915, compiled by the Hon. John D. Carroll, and to regulate the organization, incorporation, operation and management of building and loan associations, creating the department of Building and Loan Associations in the office of the Banking Commissioner and providing for the appointment of examiners and prescribing their duties and for the examination of all building and loan associations organized and doing business under the laws of this Commonwealth" and to provide that building and loan associations may borrow money for purposes not inconsistent with the objects of such associations and to authorize the directors of such associations to cause the interest bearing obligation or obligations of the association to be issued therefor and to further provide that for purpose of making loans upon real estate the directors of such associations shall have authority to cause to be issued bonds and to deposit real estate notes of double amount of bonds issued as security with power to the association to change such notes so deposited and substitute in lieu thereof

other notes of same or greater amount and to limit the amount which such associations may borrow.

H. B. 452. An Act to amend Sec. 5, project 32 of chapter 17 of the Acts of General Assembly 1920, by adding to and extending said project.

H. B. 459. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly of Kentucky of 1920, by adding thereto, as project No. 100B, extending from Ashbysburgh Ferry on Green River via Onton, Sebree, Dixon, Clay, Blackford to bridge across Tradewater river near Blackford.

H. B. 461. An Act establishing a road to run from New Castle, in Henry County, by way of North Pleasureville, Elmburg and Jacksonville to Frankfort, as a state primary road and designating said road as project No. 19A.

S. B. 78. An Act to repeal Sec. 4535k-1, Sec. 4535k-5, and all intervening sections of the Kentucky Statutes, Carroll's Edition, 1918, relating to Federal Aid and Vocational Education; also Sec. 4377, Sec. 4383, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the State Board of Education; also, Sec. 4384, Sec. 4398a-5, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the Superintendent of Public Instruction; and in order to provide for a more effective general administration and supervision of the common schools, and of vocational education in this Commonwealth, be there enacted in lieu thereof the following sections, relating to the duties and powers of the State Board of Education, and the following sections relating to the powers and duties of the Superintendent of Public Instruction.

S. B. 191. An Act to provide for the construction and

maintenance, in cities of the first class, of memorials in honor of the soldiers and sailors furnished by such cities and the counties wherein situated, to the United States army and navy during the recent World War; providing for the voting of a bond issue in such cities; and for the acceptance of gifts and donations, for such purposes; partially repealing Sec. 2827, Kentucky Statutes; and for related purposes, including the creation of a Memorial Commission in such cities.

S. B. 220. An Act to amend and re-enact Sec. 5, Chapter 17, of the Acts of the General Assembly.

S. B. 237. An Act to promote the solvency of State banks, to authorize and regulate exchange charges, to prevent publication for non-payment when payment is offered in accordance with this Act.

S. B. 250. An Act to amend sec. 965, Kentucky Statutes, relating to the time for holding the terms of circuit court in the twelfth judicial district; composed of the Counties of Anderson, Henry, Shelby, Oldham, Spencer and Trimble.

S. B. 258. An Act to include singing in the curriculum of the public schools of the State of Kentucky.

S. B. 213. An Act providing for vacation for County Judge.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with they were read the second time by their titles:

Ordered that said bills be placed in the Orders of the Day.

At the instance of the Committee on Rules the House

took up for consideration from the Orders of the Day a bill entitled:

S. B. 68. An Act to repeal an Act concerning dwelling houses of cities of first class, being Chapter 68 of the Session Acts of the General Assembly of 1920.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act entitled an Act concerning dwelling houses in Cities of the First Class and relating to their construction, reconstruction, alteration, maintenance, light and ventilation, sanitation, inspection, protection, safety, control and regulation, and providing penalties for violation of this Act, being Chapter 68 of the Acts of the General Assembly of 1920 Session, thereof, and which was approved by the Governor March 23, 1920, and subsequently became a law, be and the same is hereby repealed.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	C. W. Bennett	J. F. Bosworth
R. M. Amos	J. E. Bickett	Berl Boyd
B. C. Beckmann	W. M. Boling	Sam A. Cary

Chas. Chandler	Lester Jeter	R. I. Rice
Lee Clark	Ira Jones	Arthur Saunders
E. B. Cross	Wright Kelly	David I. Scott
Bryce Cundiff	H. R. Lawrence	Lee L. Simons
J. C. Day	Oscar Leibson	Reuben E. Skaggs
O. A. Denton	Rufus Lisle	George W. Smith
A. W. Dorsey	C. C. May	Ira D. Smith
G. Lucien Drury	Harry J. Meyers	R. F. Stewart
George W. Ellis	Harry B. Miller	Frank L. Strange
Mrs. M. E. Flannery	Claude D. Minor	H. V. Thompson
Dr. H. M. Fultz	R. C. Moore	Geo. F. Thompson
W. L. Gossett	S. H. Moore	S. G. Thornberry
Bryant Green	Ed. P. Murrah	D. D. Thornberry
Ed. A. Gullion	B. A. Muster	John M. Tinsley
J. Edgar Hadden	C. D. McCaw	Garnett W. Tolin
Arch L. Hamilton	W. T. McGuire	N. I. Toombs
Oscar P. Harvey	Geo. W. Newman	John L. Trumbo
H. C. Hawkins	C. C. Oney	Fred C. Vanhoose
Thos. O. Holder	James Park	Oscar Vest
N. T. Hopkins	Brodie Payne	Geo. C. Waggoner
David J. Howard	H. Walter Pierce	W. T. Walker
Frank J. Humbert	S. R. Powell	W. S. Wallen
J. T. Jennings	Arch M. Quarles	W. G. Wheeler

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 15. An Act to amend and re-enact sec. 4143 and 4148 of the Kentucky Statutes, relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4143 of the Kentucky Statutes, John D. Carroll's Edition, 1915, be and the same is hereby amended so as to read as follows, to-wit:

"§ 4142. (15) Payment of Taxes and Reports by Sheriff—Penalty. The sheriff or collector of state revenues in each county of this commonwealth shall, on the first day of May, June, August, September, October, November, December and January, and February, under oath, report to the Auditor of Public Accounts the amount of all taxes he has collected and pay the same immediately, and shall account for and pay all taxes which he has collected for the state into the state treasury by December 1st in each year; and upon his failure to do so he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any Sheriff or collector who shall fail to report as herein required shall be liable to indictment in the Franklin circuit court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the grand jury of Franklin county at the next term of said court after such failure to report. The Sheriff or Collector shall be required by the Auditor of Public Accounts to pay a penalty of six per centum on all taxes collected and unpaid by him on the 31st day of January in each year. The Auditor of Public Accounts with his settlement with the Sheriff or Collector, shall charge him with the penalties accruing under the provisions of this act.

§ 2. That section 4148 of the Kentucky Statutes, John D. Carroll's Edition, 1915, be and the same is hereby amended so as to read as follows, to-wit:

§ 4148. (20) Taxes When Due—Interest and Penalty.

All state, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of March after the assessment, and all taxpayers are not paid on the thirty-first day of December after the same are due shall be deemed delinquent, and such taxes shall bear interest at the rate of six per cent. per annum from the thirty-first day of December after they are due until paid; and any person or persons failing to pay their taxes by the thirty-first day of December in the year following the assessment for such taxes, shall pay a penalty of six per centum additional on the taxes due and unpaid. The Sheriff or collector whose duty it is to receive or collect the taxes shall collect the interest and penalty and account for the same in the same way which they are required to collect and account for the taxes.

§ 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	W. R. Button	A. W. Dorsey
R. M. Amos	Sam A. Cary	W. D. Duncan
B. C. Beckmann	Chas. Chandler	George W. Ellis
C. W. Bennett	Lee Clark	Mrs. M. E. Flannery
J. E. Bickett	E. B. Cross	Emery L. Frazier
W. M. Boling	Bryce Cundiff	Dr. H. M. Fultz
J. F. Bosworth	J. C. Day	W. L. Gossett
Berl Boyd	O. A. Denton	Bryant Green

J. Edgar Hadden	B. A. Muster	George W. Smith
Oscar P. Harvey	C. D. McCaw	Ira D. Smith
H. C. Hawkins	W. T. McGuire	R. F. Stewart
Thos. O. Holder	E. E. Nelson	Frank L. Strange
N. T. Hopkins	Chas. A. Nelson	Geo. F. Thompson
David J. Howard	Geo. W. Newman	S. G. Thornberry
Lester Jeter	D. A. O'Donovan	D. D. Thornberry
Ira Jones	C. C. Oney	John M. Tinsley
Wright Kelly	James Park	Garnett W. Tolin
S. B. Lane	Brodie Payne	N. I. Toombs
Martin Light	H. Walter Pierce	John L. Trumbo
C. C. May	S. R. Powell	Fred C. Vanhoose
Harry J. Meyers	Arch M. Quarles	W. T. Walker
Harry B. Miller	R. I. Rice	W. S. Wallen
Claude D. Minor	Arthur Saunders	W. D. Watkins
R. C. Moore	David I. Scott	W. G. Wheeler
S. H. Moore	Lee L. Simons	T. C. Willis
Ed. P. Murrah	Reuben E. Skaggs	—77

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 446. An Act relating to revenue and taxation in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2992 of the Kentucky Statutes (Carroll's Edition 1915) relating to revenue and taxation in cities

of the first class be amended by adding to the caption thereof the words, "appeals—city attorney," and by adding to the said section the words, "but any tax payer feeling himself aggrieved by the Act of the said Board of Equalization, may appeal to the Quarterly Court of the County in which the property and city is located within thirty days after the final adjournment of the said Board of Equalization, by filing with the Judge or Clerk of said Court a certified copy, under the hand of the clerk of the said Board of Equalization, of the action of said Board. And as to further appeals the tax payer shall have the same rights as are now allowed by law in civil cases. It shall be the duty of the city attorney to appear in such appeals and defend for the Board of Equalization," so that said Section 2992 when so amended shall read as follows:

Section 2992. Complaint of excessive assessment—proceedings—appeals—city attorney. The assessment books in the section named shall remain open in the assessor's office from the fifteenth to the thirtieth of November, and any one who thinks that his personal property, lands, or improvements, or those in which he has an interest, though they be not assessed in his name, have been assessed beyond their value, may, before the last named day, file with the assessor his complaint, specifying the parcel and alleged excess, and the complaint shall forthwith be investigated by the board of equalization, which shall, according to the justice of the case, approve or reduce the assessment.

It may, after notice to any taxpayer, increase the assessment if satisfied, on investigation, that it is too low, either as to real or personal property, but any taxpayer feeling himself aggrieved by the Act of the Board of Equalization, may appeal to the Quarterly Court of the County in which the property and city is located within thirty days after the final adjournment of the said Board of Equalization, by filing with the Judge or Clerk of said Court a certified copy, under the hand of the Clerk of the said Board of Equalization of the action of said Board. And as to further appeals the tax-

payer shall have the same rights as are now allowed by law in civil cases. It shall be the duty of the city attorney to appear in such appeals and defend for the Board of Equalization.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	H. C. Hawkins	H. Walter Pierce
R. M. Amos	N. T. Hopkins	R. I. Rice
B. C. Beckmann	David J. Howard	Arthur Saunders
C. W. Bennett	Lester Jeter	David I. Scott
J. E. Bickett	Ira Jones	Reuben E. Skaggs
W. M. Boling	Wright Kelly	George W. Smith
Berl Boyd	S. B. Lane	Ira D. Smith
Sam A. Cary	H. R. Lawrence	R. F. Stewart
Chas. Chandler	Oscar Leibson	H. V. Thompson
E. B. Cross	Leon P. Lewis	Geo. F. Thompson
Bryce Cundiff	C. C. May	S. G. Thornberry
J. C. Day	Harry B. Miller	D. D. Thornberry
O. A. Denton	Claude D. Minor	N. I. Toombs
A. W. Dorsey	S. H. Moore	John L. Trumbo
G. Lucien Drury	Ed. P. Murrah	Fred C. Vanhoose
H. C. Duffy	C. D. McCaw	Oscar Vest
George W. Ellis	W. T. McGuire	W. T. Walker
Mrs. M. E. Flannery	E. E. Nelson	W. S. Wallen
Emery L. Frazier	Chas. A. Nelson	W. D. Watkins
Dr. H. M. Fultz	D. A. O'Donovan	T. C. Willis
Arch L. Hamilton	C. C. Oney	
Oscar P. Harvey	Brodie Payne	—64

Resolved that the title thereof be as aforesaid.

Mr. Simon moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 206. An Act for the protection and conservation of natural gas, etc.

S. B. 79. An Act relating generally to the school laws of the state, repealing and re-enacting subsec. 2 of sec. 4636b of Carroll's 1915 Edition of the Kentucky Statutes relating to degrees and teachers' certificates issued by the State University; and repealing the following sections of the Kentucky Statutes, Carroll's Edition of 1918, to-wit:

S. B. 186. An Act to re-enact and amend Sec. 687, Kentucky Statutes, relating to the character of business to be done by Insurance Companies.

S. B. 192. An Act to amend Sec. 25, subsec. 2, 3, 4, 5, 6, 11, respectively, of Chapter 19, Acts of 1916, of the General Assembly of Kentucky, approved by the Governor March 15, 1916, which section and sub-sections relate to insurance written on the reciprocal or interinsurance plan. Said sections and sub-sections as amended and to be amended by this Act are known as Sec. 743 M-2, 743 M-3, 743 M-4, 743 M-5, 743 M-6, 743 M-11, Carroll's Kentucky Statutes, Vol. 3, 1918.

S. B. 102. An Act fixing limits on loads moved over any turnpike, gravel or other hard surfaced road in the Commonwealth of Kentucky between the fifteen day of December and

the first day of April following: providing for the moving of loads in excess of such limit in case of emergency, on permit of the County Judge; and prescribing for violation of this Act.

S. B. 69. An Act amending Sec. 4646 of Kentucky Statutes, relating to stock running at large.

Said bills were ordered printed and referred to Rules Committee.

That they had passed bills which originated in this House, entitled:

H. B. 298. An Act relating to revenue and taxation; relating to assessment of property; providing for a levy of taxes on all property by classes, and for distribution thereof.

Together with Amendments proposed by the Senate thereto.

H. B. 148. An Act providing that whoever furnishes work or labor, material or supplies, fixtures or machinery, or other thing of value to the lessee holding or owning a leasehold or any right conferred by any lease relating to oil, gas or other minerals, in the developent or improvement of such leasehold shall have a lien on the leasehold or the entire interest of the lessee to secure the payment by the less for such work or labor, material or supplies, fixtures or machinery or other thing of value, and providing method for the enforcement of such lien.

Ordered that said last named bill be delivered to the Enrolling Clerk of the House.

A message was received from the Governor announcing that he had approved and signed a bill entitled:

H. B. 51. An Act to amend Sec. 244 of the Criminal Code of Practice, sixth edition 1919, by John D. Carroll relating to separation of juries made up of both sexes on the trial of felonies and misdemeanors and providing for officers in charge to be of like sex.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's desk a bill entitled:

H. B. 298. (For title see Journal above.)

Together with Amendments proposed by the Senate thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. An annual tax on all property in the Commonwealth of Kentucky subject to assessment and taxation under the Constitution and laws of this Commonwealth is hereby levied for State purposes, and for the purposes thereof, all said assessable and taxable property is classified, and the rate of taxation of each class is fixed as specifically hereinafter set out; all taxes so levied and fixed to be paid by the individual, corporation, co-partnership or association owning the property.

§ 2. For the purpose of taxation, all property subject to taxation in this Commonwealth is classified as follows:

(1) Farm lands, which shall include the surface of all real estate and improvements thereon in this Commonwealth.

(2) Mineral rights and mineral leases.

(3) Town lots, which shall include all platted real estate with improvements thereon actually situated within the limits of an incorporated city or town.

(4) Agricultural products other than such products grown in the year in which such assessment is made and in the hands of the producer.

(5) Miscellaneous tangible property, which shall include all tangible personal property subject to taxation in the Commonwealth of Kentucky under the laws and Constitution.

(6) Intangible personal property.

(7) Money on deposit in banks in Kentucky.

§ 3. An annual tax for State purposes shall be paid by the owner of the property to whom such property is assessed, at the following rates, based on each One Hundred Dollars of the fair cash value of said property, to-wit:

(1) Farm lands as above defined 30c
(2) Mineral rights and mineral leases 40c
(3) Town lots as above defined 30c
(4) Agricultural products 40c
(5) Miscellaneous tangible personal property 40c
(6) Intangible personal property, including money in hand, notes, bonds, shares of stock in corporations, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured 30c
(7) Money on deposit in banks in this Commonwealth 10c

§ 4. Farm lands as defined in Section Two hereof, mineral rights, mineral leases, and town lots as defined in Section Two hereof, and all miscellaneous tangible personal property, assessed for State taxation, shall be subject to taxation in the county, city, school or taxing district in which same has a taxing situs.

Agricultural products subject to State taxation shall be subject to assessment and taxation by the county in which the same has a taxing situs, and in any city or town in which the same has a taxing situs, providing the rate fixed by such county and city, respectively, shall not exceed the sum of 30c on each One Hundred Dollars of the assessed value of same.

Live stock and intangible personal property, including

money in hand, notes, bonds, shares of stock in corporations, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, shall be subject to taxation by the county in which same has a taxing situs, provided, however, the rate levied by said county shall not exceed the sum of 30c on each One Hundred Dollars of the assessed value of such property.

Bank deposits shall not be subject to taxation by any city, town or other taxing district. Provided, however, that Banks and Trust Companies, Combined Banks and Trust Companies, Domestic Life Insurance Companies, and their shares of stock, Building and Loan Associations, and such corporations as are specifically assessed and taxed, shall continue to be assessed and pay taxes as now provided by law, and nothing in this act shall forbid local taxation of franchises of corporations or the shares of banks, trust companies, combined banks and trust companies, or domestic life insurance companies doing business in Kentucky, for local purposes.

§ 5. The individual stockholders of a corporation, at least one-fourth of whose total property is taxable in Kentucky, shall not be required to list their shares for taxation so long as the corporation pays taxes on all its property in Kentucky (including the corporate franchise when the franchise is required to be assessed), provided the shareholder furnishes satisfactory proof to the taxing authorities that at least one-fourth of the total property of such corporation is taxed in Kentucky.

§ 6. The term "mineral rights," as used in this act means the fee to any minerals underlying lands, and the term "mineral leases," as used in this act means the right to mine and remove from lands any minerals lying thereon or thereunder by virtue of any contract or conveyance, other than a conveyance in fee, of such minerals; and in assessing property for taxation under the provisions of this act, mineral rights and mineral leases shall be assessed and valued separate and apart from the surface on and in which such minerals, mineral

rights and mineral leases exist; and in cases where the owner of the surface is also the owner of the minerals lying thereon or thereunder, the surface and the mineral rights shall be valued and assessed separately.

§ 7. The word "mineral," as used herein, shall include coal, petroleum, gas, oil shale, asphalt, salt, fire and potter's clay, iron and iron ores, stone, slate, fluorspar, and any and all other subterraneous substances and products of commercial value.

§ 8. The aggregate of the annual State tax collected under the provisions of Section three of this act shall be distributed as follows:

For the ordinary expenses of the government.....120/320
For the support of the common schools.....144/320
For the use of the Sinking Fund..... 8/320
For the support and erection of buildings for the University of Kentucky, at Lexington, Kentucky... 14/320
For the support and erection of buildings for the Eastern State Normal School at Richmond, Kentucky 5/320
For the erection and support of buildings for the Western State Normal School at Bowling Green, Kentucky 5/320
For the State Road Fund..... 24/320

The Auditor of Public Accounts will at the end of each month make distribution of said tax in accordance with said apportionment.

The tax herein provided for the University of Kentucky and the Normal Schools shall be paid monthly, when and as collected, to the Treasurers of these institutions in the amount set forth in this section, and shall be used by the University and the Normal schools for their maintenance and support, and when sufficient sums shall have accumulated in the treasuries thereof, after paying the cost of maintenance and support, it may be used for the erection of buildings and the purchase of land and equipment.

The taxes above apportioned to the University of Kentucky and to the Eastern and Western Normal Schools, respectively, are in lieu of all other taxes heretofore levied or made for their use and benefit, and the tax apportioned to the State Road Fund shall be in lieu of taxes provided by an act of the General Assembly of 1914, entitled "An Act to create and establish a system of public state roads and to provide for the construction and maintenance thereof."

§ 9. The State Tax Commission may increase or decrease the aggregate assessed valuation of any class of real estate, or any item in any class, in any county or taxing district thereof; may increase or decrease the assessed valuation of any class of personal property or any item in a class, in any county or taxing district thereof; may raise or lower the assessed valuation of the real or personal property of any individual, corporation, co-partnership or association, but before making an increase it must first give not less than five days' notice of its intention to make such increase and afford the owner of the property an opportunity to be heard.

§ 9a. If any county taxing district, individual, corporation, partnership or association shall feel aggrieved at any assessment or equalization thereof, made by the State Tax Commission under the provisions of section nine, then said county, taxing district, individual, corporation, co-partnership or association may within ten days after the certification of the findings of said Tax Commission to the county in which said property affected is located, file in the Circuit Court of said county a brief petition showing and setting out reasons and objections thereto, which case shall be tried by the court on oral testimony giving the State Tax Commission the right to file such pleadings as it may desire. In such case summons to be served on the chairman of the State Tax Commission and shall stand for trial as other civil actions. An appeal shall lie to the Court of Appeals of the State of Kentucky as in other cases and at the instance of either party aggrieved.

§ 10. It is the intention of the Legislature in enacting

this law to enact each section thereof specifically, and if any section or subsection of any section shall be held invalid or unconstitutional, the same shall be held not to affect in any wise any other section or subsection of said act.

§ 11. All laws or parts of laws in conflict herewith are hereby repealed.

§ 12. This act shall not be operative on any assessment made prior to July 1st, 1922.

The Amendments proposed thereto by the Senate are as follows, viz:

Amend House Bill in Senate 298, Sec. 2, sub-section 1, by striking therefrom in line 1 the word "farm."

Amend House Bill in Senate 298, Section 2, subsection 4, by striking out in line 10, page 2, after the word "made" the words "and in the hands of the producer."

Amend said bill, sec. 2, of subsection 5 by adding after the word "constitution" in the thirteenth line of the printed bill the words, "other than as above specifically mentioned."

Amend House Bill in Senate 298, by adding the following subsection to section 2:

"(8) Banks, trust companies, public service corporations and such other corporations as are mentioned in the fourth paragraph of section 4 of this Act."

Amend House Bill in Senate 298, Section 4, by striking out the word "farm" in line one thereof and the words "and town lots as defined in section 2 thereof," in line two after the word "leases" and before the word "and" of the printed bill and by inserting in line three of the printed bill after the word "property" and before the word "assessed" the

words, "other than such as is specifically otherwise provided for, and."

Amend House Bill in Senate 298, section 4, second paragraph, in line nine of the printed bill, by inserting after the word, "city" and before the word "respectively" the words "or town."

Amend House Bill in Senate 298, by striking therefrom all of paragraph 3 of section 4 and substituting therefor the following:

"Live stock and intangible personal property, including money in hand, notes, bonds, shares of stock in corporations, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, shall be subject to taxation by the county and municipality in which the same has a taxing situs, provided, however, the rate for the county and municipality, respectively, shall not exceed the sum of fifteen cents for the purposes of each, on each one hundred dollars of the assessed value of such property."

Said Amendments were severally concurred in.

The yeas and nays being required thereon by Messrs. Meyers and Miller were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Chas. Chandler	Emery L. Frazier
R. M. Amos	Lee Clark	J. Edgar Hadden
B. C. Beckmann	E. B. Cross	Oscar P. Harvey
C. W. Bennett	Bryce Cundiff	H. C. Hawkins
J. E. Bickett	J. C. Day	Thos. O. Holder
W. M. Boling	A. W. Dorsey	N. T. Hopkins
J. F. Bosworth	G. Lucien Drury	David J. Howard
Thos. Bowman	George W. Ellis	J. T. Jennings
Sam A. Cary	Mrs. M. E. Flannery	Ira Jones

Wright Kelly	James Park	John M. Tinsley
S. B. Lane	Brodie Payne	Garnett W. Tolin
Martin Light	H. Walter Pierce	N. I. Toombs
Harry J. Meyers	Arthur Saunders	John L. Trumbo
Harry B. Miller	David I. Scott	Fred C. Vanhoose
Claude D. Minor	George W. Smith	Oscar Vest
S. H. Moore	R. F. Stewart	Geo. C. Waggoner
W. T. McGuire	H. V. Thompson	W. T. Walker
E. E. Nelson	Geo. F. Thompson	W. S. Wallen
Geo. W. Newman	H. Q. Thompson	W. D. Watkins
D. A. O'Donovan	S. G. Thornberry	J. B. Wicker
C. C. Oney	D. D. Thornberry	T. C. Willis

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Those who voted in the negative were—

Berl Boyd	Lester Jeter	S. R. Powell
John E. Brown	H. R. Lawrence	Arch M. Quarles
W. R. Button	Leon P. Lewis	R. I. Rice
G. Givens Dixon	C. C. May	Reuben E Skaggs
H. C. Duffy	Ed. P. Murrah	Ira D. Smith
W. L. Gossett	B. A. Muster	
Bryant Green	Chas. A. Nelson	

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Said bill as amended was passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. C. Day	N. T. Hopkins
R. M. Amos	A. W. Dorsey	David J. Howard
B. C. Beckmann	G. Lucien Drury	J. T. Jennings
C. W. Bennett	George W. Ellis	Ira Jones
J. E. Bickett	Mrs. M. E. Flannery	Wright Kelly
W. M. Boling	Emery L. Frazier	S. B. Lane
J. F. Bosworth	Dr. H. M. Fultz	Martin Light
Sam A. Cary	Ed. A. Gullion	Rufus Lisle
Chas. Chandler	J. Edgar Hadden	C. C. May
Lee Clark	H. C. Hawkins	Harry J. Meyers
Bryce Cundiff	Thos. O. Holder	Harry B. Miller

Claude D. Minor	R. I. Rice	Garnett W. Tolin
S. H. Moore	Arthur Saunders	N. I. Toombs
B. A. Muster	David I. Scott	John L. Trumbo
W. T. McGuire	George W. Smith	Fred C. Vanhoose
E. E. Nelson	R. F. Stewart	Oscar Vest
Geo. W. Newman	H. V. Thompson	Geo. C. Waggoner
D. A. O'Donovan	Geo. F. Thompson	W. T. Walker
C. G. Oney	H. Q. Thompson	W. S. Wallen
Brodie Payne	S. G. Thornberry	W. D. Watkins
H. Walter Pierce	D. D. Thornberry	J. B. Wicker
Arch M. Quarles	John M. Tinsley	T. C. Willis

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Those who voted in the negative were—

Thos. Bowman	W. L. Gossett	Ed. P. Murrah
Berl Boyd	Bryant Green	Chas. A. Nelson
John E. Brown	Arch L. Hamilton	Reuben E. Skaggs
W. R. Button	Lester Jeter	Ira D. Smith
G. Givens Dixon	H. R. Lawrence	
H. C. Duffy	Leon P. Lewis	

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Ordered that said bill be delivered to the Enrolling Clerk of the House.

Mr. Brown offered the following Resolution, viz:

Whereas, a bill entitled:

H. B. 298, an act relating to revenue and taxation; relating to assessment of property; providing for a levy of taxes on all property by classes, and for distribution thereof.

Has passed both the House of Representatives and the Senate, and

Whereas, said bill was amended in the Senate by striking therefrom all of subsection 3 of section 2, and

Whereas, neither the House nor the Senate in the consideration of said bill has amended subsection 3 of section 3 of said bill by striking from said bill said subsection, and

Whereas, it was manifestly and unmistakably the will

and intent of this General Assembly to strike out all of subsection 3 of section 3 of said bill to conform with the action of the General Assembly in striking out all of subsection 3 of section 2 of said bill, therefore be it

Resolved by the House of Representatives that it was in the consideration and passage of said bill and is now the will and intent of this House that said subsection 3 of section 3 of said bill be stricken therefrom, and the Chief Clerk of this House is authorized and directed in the engrossment of said bill, to be delivered to the Enrolling Clerk of this House, to eliminate and omit from said engrossed copy of said bill all of subsection 3 of section 3 thereof.

Said Resolution was unanimously adopted.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 254. An Act to amend Sec. 1840 of the Kentucky Statutes, Carroll's 1915 Edition, relating to jurisdiction and and powers generally of fiscal courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1840 of the Kentucky Statutes, Carroll's 1915 Edition, relating to jurisdiction and powers generally of fiscal courts be amended by adding after the words "the fiscal affairs and property of the county, the following words, to-wit: "To cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county, and have the accounts of all county officers audited, when necessary, and may employ a competent person to keep such accounts and records, and make such audits, and to pay

such person a reasonable compensation for such services, not to exceed twenty-four hundred dollars per year."

So that the said section, as amended, shall read as follows, to-wit:

"The fiscal court shall have jurisdiction to appropriate county funds authorized by law to be appropriated; to erect and keep in repair necessary public buildings, secure a sufficient jail and a comfortable and convenient place for holding court at the county seat; to erect and keep in repair bridges and other structures and superintend the same; to regulate and control the fiscal affairs and property of the county; to cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county, and have the accounts of all county officers audited, when necessary, and may employ a competent person to keep such accounts and records, and make such audits, and to pay such person a reasonable compensation for such services, not to exceed twenty-four hundred dollars per year; to make provisions for the maintenance of the poor and provide a poor house and farm and provide for the care, treatment and maintenance of the sick and poor, and provide a hospital for said purpose, or contract with any hospital in the county to do so, and provide for the good condition of the highways in the county, and to appropriate county funds to make provision to secure immigration into the county, and to advertise the resources of the county, and to appropriate county funds for the benefit of colleges and for infirmaries for the sick located in the county, and to execute all of its orders consistent with the law and within its jurisdiction of all such other matters relating to the levying of taxes as is by any special Act now conferred on the county court of levy and claims."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	E. E. Nelson
R. M. Amos	N. T. Hopkins	Geo. W. Newman
B. C. Beckmann	David J. Howard	James Park
C. W. Bennett	Frank J. Humbert	S. R. Powell
J. E. Bickett	Lester Jeter	Arthur Saunders
J. F. Bosworth	Ira Jones	David I. Scott
Thos. Bowman	H. R. Lawrence	Lee L. Simons
Sam A. Cary	Oscar Leibson	Ira D. Smith
Chas. Chandler	Leon P. Lewis	R. F. Stewart
A. W. Dorsey	Rufus Lisle	John M. Tinsley
G. Lucien Drury	C. C. May	Garnett W. Tolin
George W. Ellis	Harry J. Meyers	N. I. Toombs
Mrs. M. E. Flannery	Harry B. Miller	John L. Trumbo
Emery L. Frazier	Claude D. Minor	Oscar Vest
Bryant Green	Ed. P. Murrah	Geo. C. Waggoner
Ed. A. Gullion	B. A. Muster	W. S. Wallen
J. Edgar Hadden	C. D. McCaw	W. D. Watkins
Arch L. Hamilton	W. T. McGuire	—53

Those who voted in the negative were—

W. M. Boling	Dr. H. M. Fultz	Frank L. Strange
Berl Boyd	W. L. Gossett	Geo. F. Thompson
John E. Brown	Thos. O. Holder	S. G. Thornberry
Lee Clark	Wright Kelly	D. D. Thornberry
E. B. Cross	Martin Light	Fred C. Vanhoose
J. C. Day	S. H. Moore	W. G. Wheeler
O. A. Denton	Brodie Payne	T. C. Willis.
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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 91. An Act to amend and re-enact Sec. 3146 of Kentucky Statutes (Carroll's Edition 1915) relating to Police Judge in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3146 of Kentucky Statutes (Carroll's Edition 1915) be amended as follows by inserting after the word "source" in Line Six of said Section, the following words: "except the fees allowed by law to other Judges for holding examining trials in Felony Cases." So that said section when amended, shall read as follows:

There shall be established in and for each City of the Second Class a Court, to be called the Police Court, to be presided over by one Judge, to be elected as hereinafter provided, who shall receive for his services such salary as the general Council shall fix by ordinance; and said Judge shall not receive any other compensation from any source, except the fees allowed by law to other Judges for holding examining trials in felony cases. No person shall be eligible to the office of Police Judge who, at the time of election, is not twenty-five years of age, a resident of the city for four years. This shall not apply to present incumbents nor to Police Judges elected in November, one thousand eight hundred and ninety-three.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	E. E. Nelson
B. C. Beckmann	Thos. O. Holder	Chas. A. Nelson
C. W. Bennett	N. T. Hopkins	Geo. W. Newman
J. E. Bickett	David J. Howard	C. C. Oney
W. M. Boling	Frank J. Humbert	H. Walter Pierce
Berl Boyd	R. O. Huntsman	S. R. Powell
John E. Brown	Ira Jones	Arthur Saunders
Sam A. Cary	Wright Kelly	David I. Scott
Chas. Chandler	S. B. Lane	Lee L. Simons
Lee Clark	Oscar Leibson	Ira D. Smith
J. C. Day	Martin Light	R. F. Stewart
O. A. Denton	C. C. May	S. G. Thornberry
G. Givens Dixon	Harry J. Meyers	D. D. Thornberry
A. W. Dorsey	Harry B. Miller	Garnett W. Tolin
George W. Ellis	Claude D. Minor	N. I. Toombs
Mrs. M. E. Flannery	R. C. Moore	John L. Trumbo
Emery L. Frazier	S. H. Moore	Fred C. Vanhoose
Dr. H. M. Fultz	Ed. P. Murrah	Oscar Vest
Bryant Green	B. A. Muster	W. T. Walker
Ed. A. Gullion	C. D. McCaw	W. S. Wallen
J. Edgar Hadden	W. T. McGuire	W. D. Watkins

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House

took up for consideration from the Orders of the Day, a bill entitled:

H. B. 424. An Act making the city of Springfield, Washington County, Kentucky, a center of construction in the primary system of State highways laid out and designated in an Act of the General Assembly of the Commonwealth of Kentucky in 1920.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the city of Springfield, Washington County, be and is hereby declared a center of construction in the primary system of State highways, laid out and designated in the act of the General Assembly of Kentucky in the year of 1920.

Mr. Dorsey offered the following Amendment by way of Substitute therefor.

Said Substitute is as follows, viz:

An Act making the cities of Springfield, Washington County, Kentucky, and Paris, Bourbon County, Kentucky, centers of construction in the primary system of State Highways laid out and designated in an Act of the General Assembly of the Commonwealth of Kentucky in 1920.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the cities of Springfield, Washington County, and Paris, Bourbon County, be and they are hereby declared centers of construction in the primary system of State Highways, laid out and designated in the act of the General Assembly of Kentucky in the year of 1920.

Said Substitute was adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Ed. A. Gullion	Brodie Payne
B. C. Beckmann	J. Edgar Hadden	H. Walter Pierce
C. W. Bennett	Arch L. Hamilton	S. R. Powell
W. M. Boling	Oscar P. Harvey	R. I. Rice
J. F. Bosworth	Thos. O. Holder	Arthur, Saunders
Thos. Bowman	N. T. Hopkins	David I. Scott
Berl Boyd	David J. Howard	R. F. Stewart
John E. Brown	Wright Kelly	S. G. Thornberry
Sam A. Cary	S. B. Lane	D. D. Thornberry
Lee Clark	Oscar Leibson	John M. Tinsley
E. B. Cross	Leon P. Lewis	Garnett W. Tolin
J. C. Day	Martin Light	N. I. Toombs
O. A. Denton	Rufus Lisle	John L. Trumbo
G. Givens Dixon	Harry J. Meyers	Fred C. Vanhoose
A. W. Dorsey	Claude D. Minor	Geo. C. Waggoner
G. Lucien Drury	E. E. Nelson	W. T. Walker
George W. Ellis	Chas. A. Nelson	W. D. Watkins
Mrs. M. E. Flannery	Geo. W. Newman	T. C. Willis
Dr. H. M. Fultz	D. A. O'Donovan	
Bryant Green	C. C. Oney	—58

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 273. An Act to amend and re-enact Sec. 328, chapter 18, of the Kentucky Statutes, Carroll's 1915 Edition, relating to destitute and maltreated children, and providing a penalty for parents' failure to support minor children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 328, Chapter 18, of the Kentucky Statutes, Carroll's 1915 Edition, be and the same is hereby amended by striking out the following words and language: "not exceeding Twenty Dollars, or by imprisonment in the county jail or workhouse, in counties having a workhouse, not exceeding six months," and substituting therefor the following language: "not exceeding One Hundred Dollars"; so that said section when amended and re-enacted shall read as follows:

Section 328. Failure of Parents to Support Minor Child —Penalty. Whoever wilfully and unreasonably neglects to provide for the support of his or her minor child who is actually or apparently under the age of fourteen, shall be punished by a fine not exceeding One Hundred Dollars.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Ed. A. Gullion	E. E. Nelson
R. M. Amos	J. Edgar Hadden	Chas. A. Nelson
B. C. Beckmann	Oscar P. Harvey	C. C. Oney
C. W. Bennett	Thos. O. Holder	Brodie Payne
W. M. Boling	N. T. Hopkins	H. Walter Pierce
J. F. Bosworth	David J. Howard	R. I. Rice
Thos. Bowman	Frank J. Humbert	Arthur Saunders
Berl Boyd	R. O. Huntsman	David I. Scott
John E. Brown	Lester Jeter	Lee L. Simons
Sam A. Cary	Wright Kelly	Ira D. Smith
E. B. Cross	S. B. Lane	D. D. Thornberry
J. C. Day	H. R. Lawrence	John M. Tinsley
G. Givens Dixon	Oscar Leibson	N. I. Toombs
A. W. Dorsey	Leon P. Lewis	Fred C. Vanhoose
G. Lucien Drury	Rufus Lisle	Oscar Vest
George W. Ellis	Claude D. Minor	W. T. Walker
Mrs. M. E. Flannery	S. H. Moore	W. S. Wallen
Dr. H. M. Fultz	B. A. Muster	W. D. Watkins
Bryant Green		—55

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 372. An Act creating the office of Assistant County Attorney, subject to the approval of the County Attorney, in counties having a population of more than fifty thousand and less than seventy-five thousand, and having therein a circuit

court of continuous session, and prescribing the qualifications, powers, duties and compensation thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

First. That the office of Assistant County Attorney, in counties having a population of more than fifty thousand and less than seventy-five thousand, and having therein a circuit court of continuous session, is hereby created, provided the County Attorney deems it necessary to create said office.

Second. The Assistant County Attorney shall be appointed by the County Attorney for a term of four (4) years, but shall be subject to removal at any time, by the County Attorney. His salary shall be fixed by the Fiscal Court of the county, and shall be not less than $1,200.00, nor more than $2,000.00 per annum, payable out of the county levy in equal monthly installments.

Third. The Assistant County Attorney shall possess the qualifications of a County Attorney, and shall have the same powers and shall perform the same duty that County Attorneys now have and perform, except that in cases of a disagreement between the County Attorney and the Assistant County Attorney, the County Attorney shall control.

Fourth. In the absence of the County Attorney, the Assistant County Attorney shall act as County Attorney, without additional compensation.

Fifth. Whereas, on account of the numerous duties of County Attorneys in some of the counties as coming within the provisions of this law, an emergency is declared to exist and this Act shall take effect immediately upon its approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	N. T. Hopkins	Brodie Payne
R. M. Amos	David J. Howard	H. Walter Pierce
B. C. Beckmann	Lester Jeter	David I. Scott
C. W. Bennett	Wright Kelly	Lee L. Simons
J. E. Bickett	Oscar Leibson	Ira D. Smith
W. M. Boling	Leon P. Lewis	R. F. Stewart
Thos. Bowman	Rufus Lisle	Geo. F. Thompson
Berl Boyd	C. C. May	D. D. Thornberry
E. B. Cross	Harry J. Meyers	John M. Tinsley
G. Givens Dixon	Harry B. Miller	Garnett W. Tolin
A. W. Dorsey	Claude D. Minor	N. I. Toombs
G. Lucien Drury	S. H. Moore	John L. Trumbo
George W. Ellis	Ed. P. Murrah	Fred C. Vanhoose
Mrs. M. E. Flannery	B. A. Muster	Oscar Vest
Dr. H. M. Fultz	W. T. McGuire	W. T. Walker
Ed. A. Gullion	Chas. A. Nelson	W. S. Wallen
Arch L. Hamilton	Geo. W. Newman	J. B. Wicker
Oscar P. Harvey	C. C. Oney	T. C. Willis

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Those who voted in the negative were—

John E. Brown	H. R. Lawrence

—2

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 279. An Act to provide for the fixing of fees of appraisers of estates for inheritance taxes, amending section 4281k of Chapter 108, article XIX, of the Kentucky Statutes (Carroll's revised edition 1915), relating to the appointment of inheritance tax appraisers, notice to persons interested, how value of contingent estate estimated.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4281k, Chapter 108, Article XIX, of the Kentucky Statutes (Carroll's Revised Edition, 1915), relating to the appointment of Inheritance Tax Appraisers; notice to persons interested; how value of contingent estate estimated; entitled "County Court to Appoint Appraiser; Notice to Persons Interested; How Value and Contingent Estate Estimated," be amended by striking the words and figures as follows:

"At the rate of three dollars per day for every day actually and necessarily employed in said appraisement," and inserting in place thereof the words:

"The amount to be fixed by the Judge of the County Court, taking into consideration the value of the estate appraised and the amount of work done by the appraiser, and the time expended by the appraiser in making said appraisement, the total compensation in no event to exceed one-tenth of one per centum of the total value of the estate so appraised for inheritance tax, together with his actual and necessary traveling expenses," and by adding at the end of said section the words:

"This act shall apply to all states the tax of which has

not been finally adjudicated and fixed, and in which the compensation of the appraiser has not been finally fixed," so that said section shall read as follows:

"When the value of any inheritance, devise, bequest or other interest subject to the payment of said tax is uncertain, the county court in which the said tax settlement proceedings are pending, on application of any interested party, or upon his own motion, shall appoint some competent person as appraiser, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice by mail to all persons known to have or claim an interest in such property, and to such persons as the court may order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same and make a report thereof, in writing, to said court, together with such other facts in relation thereto as said court may by order require to be filed with the clerk of said court; and from this report the said court shall, by order, forthwith assess and fix the fair cash value, as hereinabove provided, of all inheritances, devises, bequests, or other interests and the tax to which the same is liable, and shall immediately cause notice thereof to be given, by mail, to all parties known to be interested therein; and the value of every future or contingent or limited estate, income or interest shall, for the purpose of this chapter, be determined by the rule, method and standards of mortality prescribed by the mortality tables authorized by the Kentucky Statutes for ascertaining the value of life estates, annuities and remainder interests save that the rate of interest to be assessed in computing the present value of all future interests or contingencies shall be five per centum per annum; and the Insurance Commissioner shall on the application of said court, determine the value of such future or contingent or limited estate, income or interest, upon the facts contained in such report, and certify the same to the court, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. The said appraisers

shall be paid by the personal representative of the decedent, out of any funds that may be or may come into his hands on account of said tax, on the certificate of the court, the amount to be fixed by the Judge of the county court, taking into consideration the value of the estate appraised and the amount of work done by the appraiser, and the time expended by the appraiser in making said appraisement, the total compensation in no event to exceed one-tenth of one per centum of the total value of the estate so appraised for inheritance tax, together with his actual and necessary traveling expenses."

This act shall apply to all estates, the tax of which has not been finally adjudicated and fixed, and in which the compensation of the appraiser has not been finally fixed."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	A. W. Dorsey	S. B. Lane
B. C. Beckmann	G. Lucien Drury	H. R. Lawrence
C. W. Bennett	George W. Ellis	Oscar Leibson
J. E. Bickett	Mrs. M. E. Flannery	Leon P. Lewis
W. M. Boling	Bryant Green	Rufus Lisle
Thos. Bowman	Ed. A. Gullion	C. C. May
Berl Boyd	J. Edgar Hadden	Harry J. Meyers
John E. Brown	Arch L. Hamilton	Harry B. Miller
Sam A. Cary	Thos. O. Holder	Claude D. Minor
Chas. Chandler	N. T. Hopkins	S. H. Moore
Lee Clark	David J. Howard	Ed. P. Murrah
E. B. Cross	Frank J. Humbert	B. A. Muster
J. C. Day	Wright Kelly	Chas. A. Nelson

D. A. O'Donovan	David I. Scott	Garnett W. Tolin
C. C. Oney	Lee L. Simons	N. I. Toombs
Brodie Payne	Ira D. Smith	Fred C. Vanhoose
H. Walter Pierce	Frank L. Strange	Oscar Vest
Arch M. Quarles	Geo. F. Thompson	W. T. Walker
R. I. Rice	D. D. Thornberry	W. S. Wallen
Arthur Saunders	John M. Tinsley	J. B. Wicker

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Those who voted in the negative were—

Dr. H. M. Fultz Oscar P. Harvey

—2

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 293. An Act to provide for the establishment and operation of credit unions in the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Incorporation and By-laws. Any eight persons, residents of the State of Kentucky, may apply to the head of the Department of Banking for permission to organize a credit union. Persons uniting to form a credit union shall sign and acknowledge in duplicate articles of incorporation and shall enter into articles of agreement, in which they shall

bind themselves to comply with its requirements and with all the laws, rules and regulations applicable to credit unions. The certificate of organization shall contain the following:

(1) The name of the proposed credit union.

(2) A statement that incorporation is desired under this particular law.

(3) The par value of share shall be five dollars.

(4) The city, town or village in which the business office of the corporation is to be located.

(5) The names and addresses of the subscribers to the articles of incorporation and a statement of the number of shares of stock subscribed by each.

At the time of filing the said articles of incorporation with the head of the Department of Banking the incorporators shall submit, in duplicate, sets of by-laws (with acknowledgement of their adoption by the incorporators) which shall provide:

(a) The date of the annual meeting, which shall be in January of each year: the manner in which members shall be notified of meetings: the manner of conducting meetings; the number of members constituting a quorum with regulations as to voting.

(b) The number of directors, which shall not be less than five, all of whom shall be members of the corporation; their powers and duties, together with the compensation and duties of officers elected by the board of directors.

(c) The conditions of residence, occupation or other conditions which shall qualify persons for membership.

(d) The number of members of the credit committee, together with their powers and duties.

(e) The number of members of the supervisory committee, together with their powers and duties.

(f) The conditions upon which shares may be issued, transferred and withdrawn.

(g) The charges, if any, which shall be made for failure to meet obligations punctually.

(h) The conditions upon which deposits may be received and withdrawn, and whether the corporation shall have the power to borrow.

(i) The manner in which the funds of the corporation shall be invested.

(j) The conditions upon which loans may be made and repaid.

(k) The method of receipting for money paid in on account of shares, deposits or loans.

(l) The manner in which the reserve fund shall be accumulated.

(m) The manner in which dividends shall be determined and paid out.

The certificate of organization shall be approved by the head of the Department of Banking, if he is satisfied that it is in conformity with this Act. He shall approve said by-laws, if he is satisfied that the proposed field of operation is favorable to the success of the corporation and that the standing of the proposed incorporators is such as to give assurance that its affairs will be administered in accordance with the spirit of this Act. Thereupon the said head of the Department of Banking shall issue to the said incorporators a certificate of approval annexed to the duplicate of said articles of incorporation and of said by-laws, which certificate of approval, together with said attached duplicate articles of incorporation and duplicate by-laws, acknowledged by the incorporators to have been adopted by them, shall be filed in the office of the clerk of the county in which the credit union is located. Upon such filing the said incorporators shall become and be a corporation.

§ 2. Amendments to the By-laws. The by-laws, so approved, shall be the by-laws of the corporation, and no amendment shall become operative until approved by the head of the Department of Banking and until a certified copy has been filed with the clerk of the county in which the credit union is located.

§ 3. Restriction of the Term 'Credit Union.' The use by any person, corporation, co-partnership or association, except corporations formed under the provisions of this Act, of any name or title which contains the words 'Credit Union' shall be a misdemeanor.

§ 4. Powers. A credit union may receive the savings of its members in payment for shares or on deposits: may loan to its members or may undertake such other activities relating to the purpose of the corporation as its by-laws may authorize. Deposits may also be received from non-members, subject to the conditions contained in this Act and upon such terms and in such amounts as the board of directors may determine and the by-laws shall provide.

§ 5. Membership. The membership of the corporation shall consist of the incorporators and such persons, societies, associations, co-partnerships and corporations as have been duly elected to membership and have subscribed for one or more shares and have paid for the same in whole or in part, together with the entrance fee as provided in the by-laws and have complied with such other requirements as the articles of incorporation may contain.

§ 6. Reports: Examination: Supervision. Corporations organized under the provisions of this Act shall be subject to the supervision of the head of the Department of Banking. Every such corporation shall make a report of condition to the head of the Department of Banking (on blank forms to be supplied by said Department) on the dates of the second and fifth calls made to State Banks, notice of which calls shall be sent out by the head of the Department of Banking. They shall be verified by the oath of majority of the members of the supervisory committee or by the oath of the president, treasurer or secretary, and such further reports shall be made as the said head of the Department of Banking at any time shall demand.

Any such corporation which neglects to make reports

under call shall forfeit to the Treasury of the State ten dollars for each day of said neglect, unless excused.

Each credit union shall be examined once each year; but the head of the Department of Banking may, in his discretion, order such other examination as he may deem to be necessary; and the examiners appointed by him shall be given free access to all books, papers, securities and other sources of information in respect to said corporation, provided the said head of the Department of Banking shall so order. For the purposes of such examination the head of the Department of Banking, or his duly authorized deputy, shall have the power and authority to subpoena and to examine personally or by one of his deputies or examiners witnesses on oath and documents, whether such witnesses are members of the corporation or not, and whether said documents are documents of the corporation or not. Each Credit Union shall pay $5.00 per day to the State Department of Banking for the time actually spent and actual traveling expenses of the Examiner for making such examinations as are necessary for Credit Unions. All such fees collected by the department shall be turned into the Commonwealth treasury and hereby reappropriated to the State Banking Commissioner toward paying the expenses of enforcing this act.

In the event that any such corporation shall neglect to make its reports as hereinabove provided for more than fifteen days or in the event that any such corporation shall fail to pay such charges as are herein required, including the charges for delay in filing reports, the head of the Department of Banking shall give notice to such corporation of his intention to revoke the certificate of approval of said corporation for said neglect or failure, and if such neglect or failure continues for fifteen days after such notice, then the said head of the Department of Banking may, at his discretion, revoke said certificate, and he, or through one of his deputies shall take possession of the property and business of such corporation and retain such possession until such time as he may permit

it to resume business or its affairs shall be finally liquidated.

In the event that it appear to the head of the Department of Banking that any such corporation has violated any of the provisions of this Act, he may, by an order made over his hand and official seal, after hearing or after opportunity for hearing has been given said accused corporation, direct and such corporation to discontinue the illegal methods and practices mentioned in said order. If any credit union is insolvent, or has violated any of the provisions of this Act or has failed within a reasonable time to comply with any such order mailed to the last address filed by such corporation the head of the Deaprtment of Banking shall immediately or within a reasonable time thereafter, take possession of the business and property of such corporation, and retain such possession until such time as he may permit it to resume business or its affairs are finally liquidated.

§ 7. Organization of Rural Credit Unions. To further facilitate the organization of credit unions as provided in this act among groups of farmers, it shall be the duty of the Department of Agriculture of the Commonwealth of Kentucky, in addition to its duties now prescribed by law:

(1) To organize and conduct, in the Department of Agriculture, a bureau of information in regards to credit unions.

(2) Upon application of three residents of the State of Kentucky to furnish, without cost, such printed information and blank forms as may be approved by the head of the Department of Banking as necessary for the formation and establishment of any local credit union in the State of Kentucky.

§ 8. Fiscal Year and Meetings—Regulations As to Voting. The fiscal year of every such corporation shall end at the close of business on the thirty-first day of December. The annual meeting of the corporation shall be held in January. Special meetings may be held by order of the directors or of the supervisory committee, and shall be held upon request in

writing of ten per cent of the members. Notice of all meetings of the corporation shall be given in the manner prescribed in the by-laws. At all meetings of members a member shall have but one vote, irrespective of the number of shares held. No shareholder may vote by proxy but a society, association, co-partnership or corporation, having membership in the corporation, may be represented by one person authorized by said society, association, co-partnership or corporation to so represent it. At any meeting the members may decide upon any question of interest to the corporation and overrule the board of directors, and by a three-fourths vote of those present and represented, provided the notice of the meeting shall have specified the question to be considered, may vote to amend the by-laws.

§ 9. Elections. At the annual meeting the members shall elect a board of directors of not less than five members, a credit committee and a supervisory committee, of not less than three members each. Unless the number of members of the credit union is less than eleven, no member of the board shall be a member of either of said committees, nor shall one person be a member of more than one of said committees, and all members of committees and all directors as well as the officers whom they may elect, shall be sworn, and shall hold their several offices for such term as may be determined by the by-laws.

The oath required of each director, officer and member of committee shall be the oath of the individual taking the same that he will, as far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation and will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to such corporation, and that he is the owner in good faith and in his own right on the books of the corporation of at least one share therein. Such oath shall be subscribed by the individual taking it and certified by the officer before whom it was taken

and shall immediately be transmitted to the head of the Department of Banking and be filed and preserved in his office.

§ 10. Directors—Officers—Compensation. At the first meeting and at each first meeting in the fiscal year, the board of directors shall elect from their number a president, a vice president, a secretary and a treasurer. The offices of secretary and treasurer may, if the by-laws so provide, be held by one person. The board of directors shall have the general management of the affairs, funds and records of the corporation and shall meet as often as may be necessary. Unless the by-laws shall specifically reserve all or any of the duties to the members, it shall be the special duty of the directors:

(1) To act upon all applications for membership and the expulsion of members.

(2) To fix the amount of the surety bond which shall be required of each officer having the custody of funds.

(3) To determine from time to time the rate of interest which shall be allowed on deposits and charged on loans.

(4) To fix the maximum number of shares which may be held by and the maximum amount which may be loaned to any one member; to declare dividends and to recommend amendments to the by-laws.

(5) To fill vacancies in the board of directors and in the credit committee until the election and qualification of successors.

(6) To have charge of the investment of funds of the corporation, other than loans to members, and to perform such other duties as the members may from time to time authorize.

No member of the board of directors or of the credit or supervisory committees shall receive any compensation for his services as a member of said board or committee.

§ 11. Credit Committee. The credit committee shall approve every loan or advance made by the corporation to members. Every application for a loan shall be made in writing on a form prepared by the board of directors and shall state the purpose for which the loan is desired and the security,

if any, offered. No loan shall be made unless it has received the unanimous approval of those members of said committee who were present when it was considered, which number shall constitute at least a majority of the members of said committee, nor if any member of said committee shall disapprove thereof; but the applicant for a loan may appeal to the board of directors if it is so provided in the by-laws and in the way and manner therein provided. The credit committee shall meet as often as may be required after due notice has been given to each member.

§ 12. Supervisory Committee—Audit and Report. The supervisory committee shall inspect the securities, cash and accounts of the corporation and supervise the acts of its officers, board of directors and credit committee. At any time, the supervisory committee, by a unanimous vote, may suspend the credit committee or any member thereof, the board of directors or any member thereof, or any officer or officers elected by said board and, by a majority vote, they may call a meeting of the shareholders to consider any violation of this Act or of the by-laws or any practice of the corporation which, in the opinion of said committee, is unsafe and unauthorized. Within seven days after the suspension of any member of said board, committee or officer, the supervisory committee shall cause notice to be given of a special meeting of all the members to take action relative to such suspension. The supervisory committee shall fill vacancies in their own number until the next meeting of the members. The fact of the intention to fill such vacancy shall be contained in the call for the meeting.

§ 13. Capital—Entrance Fee—Transfer Fee. The capital of the credit union shall consist of the payments that have been made to it by the several members thereof on shares. Shares may be subscribed for and paid in such manner as the by-laws shall prescribe. A credit union shall have a lien on the shares of any member and upon any dividends payable

thereon for and to the extent of any loan made to him and of any dues and fines payable by him.

A credit union may, upon the resignation or expulsion of a member, cancel the shares of such member and apply the withdrawal value of such shares towards the liquidation of the said member's indebtedness.

A credit union may, if the by-laws so provide, charge an entrance fee for each share subscribed, to be paid by the shareholder, upon his election to membership.

Fully paid shares of a credit union may be transferred to any person upon election to membership upon such terms as the by-laws may provide and the payment of a transfer fee which shall not exceed twenty-five cents per share.

§ 14. Shares and Deposits of Minors and in Trust. Shares may be issued and deposits received in the name of a minor, and such shares and deposits may be withdrawn by such minor, and in such case payments made on such withdrawals shall be valid. If shares are held or deposits made in trust the name and residence of the beneficiary shall be disclosed and the account shall be kept in the name of such holder as trustee for such person. Such shares and deposits may, upon the death of the trustee, be withdrawn by the person for whom the shares were held or for whom such deposits were made, by his legal representative.

§ 15. Charges and Penalties. For failure by any member of a credit union to meet his payments on shares when due, such charges and other penalties may be imposed upon the delinquent member as the by-laws provide. Such charges shall not exceed one and one-half per cent per month or a fraction thereof on amounts due, except that a minimum charge of five cents may be imposed.

§ 16. Deposits. A credit union may receive the savings and deposits of its members and of non-members in such amounts and upon such terms as the board of directors may determine and the by-laws provide.

§ 17. Rates of Interest. A credit union may lend to its

members at reasonable rates, or invest as hereinafter provided, the funds accumulated.

§ 18. Power to Borrow. If the by-laws so provide, a credit union shall have the power to re-discount, as hereinafter provided: or to borrow money from any source in addition to receiving deposits as indicated in Section 16, but the aggregate amount of re-discounts and borrowings shall at no time exceed the sum total of the capital, surplus and reserve fund of such borrowing credit union.

§ 19. Investment of Funds. The capital, deposits, undivided profits and reserve fund of the corporation, to the extent said resources are not utilized for loans to members as provided in this Act, may be invested in the following ways and in such ways only:

(1) They may be deposited to the credit of the corporation in the savings banks, credit unions, state banks and trust companies and in National Banks.

(2) Not more than 10 per cent of the capital stock and reserve funds of a credit union may be invested in the stock of other credit union.

(3) They may be invested in any investment which is legal for savings banks in the State of Kentucky.

§ 20. Loans to Members. A credit union may loan to its members for such purposes and upon such security and terms as the by-laws shall provide and the credit committee shall approve; but security must be taken for any loan in excess of fifty dollars. Endorsement of a note or assignment of shares in any credit union shall be deemed security within the meaning of this section.

A member who needs funds with which to purchase necessary supplies for growing crops may receive a loan in fixed monthly installments instead of one sum.

The supervisory committee shall appoint a substitute to act on the credit committee in the place of any member in case such member makes application to borrow money from

a credit union or becomes surety for any member whose application for a loan is under consideration.

All officers and members of any committee in any way knowingly permitting or participating in making a loan of funds of a credit union to a non-member thereof shall be guilty of a misdemeanor. The credit union shall have the right to recover the amount of such illegal loans from the borrower or from any officer or member of committee who knowingly committed or participated in the making thereof, or from all of them jointly.

A borrower may repay the whole or any part of his loan on any day on which the office of the corporation is open for the transaction of business.

No director or member of committee shall be allowed to borrow from the corporation or become indorser for a borrower unless said loan or indorsement has been approved by the members at a meeting called for the specific purpose of passing on the proposed loan or the acceptance of the proposed indorsement.

§ 21. Reserve Fund. All entrance fees, transfer fees, and charges shall, after the payment of the organization expenses, be known as reserve income, and shall be added to the reserve fund of the corporation.

At the close of each fiscal year there shall be set apart to the reserve fund twenty per cent of the net income of the corporation which has accumulated during the year. But upon the recommendation of the board of directors the members at an annual meeting may increase, and whenever said fund equals the amount of the capital may decrease, the proportion of profits to be set apart to the reserve fund.

The reserve fund shall belong to the corporation and shall be held to meet contingencies, and shall not be distributed to the members except upon dissolution of the corporation.

§ 22. Dividends. At the close of the fiscal year a credit union may declare a dividend from the net earnings. Dividends shall be paid on all fully paid shares outstanding at the

close of the fiscal year, but shares which became fully paid during the year shall be entitled to a proportional part of said dividends calculated from the first day of the month following such payment in full.

§ 23. Notes—Drafts—Bills of Exchange. Notes, drafts, bills of exchange executed for the purpose of this Act, having a maturity not to exceed six months, and indorsed by a National Bank, a State Bank or a Trust Company may be rediscounted in the open market. The total of such paper outstanding shall at no time exceed the paid in capital and surplus, provided, however, that the head of the Department of Banking, in his discretion, may extend this limit temporarily, and provided further that the limitation here fixed shall not be considered money borrowed under Section 18.

§ 24. Expulsion and Withdrawal. At any regularly called meeting, the members by a two-thirds vote of those present, may expel from the corporation any member thereof. A member may withdraw from a credit union or a non-member may withdraw deposits, as hereinafter provided, by filing a written notice of such intention.

All amounts paid in on shares of an expelled or withdrawing member, with any dividends credited to his shares to the date of expulsion or withdrawal, shall be paid to such member in the order of expulsion or withdrawal and only as funds therefore become available. after deducting any amounts due to the corporation by such member. Said member, when withdrawing shares or deposits, shall have no further right in said credit union or to any of its benefits but such expulsion or withdrawal shall not operate to relieve said member from any remaining liability to the corporation.

§ 25. Voluntary Dissolution. At any meeting specially called to consider the subject, four-fifths of the entire membership of the corporation may vote to dissolve the corporation and upon such vote shall signify their consent to such dissolution in writing. Such corporation shall then file with the head of the Department of Banking such consent, attested

by the secretary or treasurer and its president or vice president, with a statement of the names and residences of the existing board of directors of such corporation and the name and residences of the officers, duly verified. The head of the Department of Banking, upon receipt of satisfactory proof of the solvency of the corporation, shall issue to such corporation in duplicate a certificate to the effect that such consent and statement have been filed and that it appears therefrom that such corporation has complied with this section. Such duplicate certificate shall be filed by such corporation in the office of the clerk of the county or municipality in which the corporation has its place of business, and thereupon such corporation shall be dissolved and shall cease to carry on business except for the purpose of adjusting and winding up its affairs. The said corporation, by its board of directors, shall then proceed to adjust and wind up its business and is empowered to carry out its contracts to collect its accounts receivable, and to liquidate its assets and apply the same in discharge of its obligations, and after paying such obligations, each share according to the amount paid thereon, shall be entitled to its proportion of the balance of the assets. Said corporation shall continue in existence for the purpose of discharging its debts or obligations, collecting and distributing its assets, and doing all other acts required in order to wind up its business, and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted and wound up.

§ 26. Change of Place of Business. A credit union may change its place of business on written notice to the head of the Department of Banking.

§ 27. Taxation. A credit union shall be deemed an institution for savings, and together with all the accumulations therein shall not be subject to taxation, except as to real estate owned. The shares of credit unions shall not be subject to any stock transfer tax, either when issued or when transferred from one member to another.

§ 28. Repeal of Conflicting Legislation. All laws and parts of laws in conflict herewith are repealed. It is intended that this Act shall be valid to the fullest possible extent, and the invalidity of any part or section thereof shall not affect or render the remainder of the Act invalid or inoperative.

§ 29. Time of Effect. Because the need of credit unions is urgent in this State an emergency is declared to exist, and this Act shall take effect immediately after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	W. L. Gossett	B. A. Muster
R. M. Amos	Bryant Green	W. T. McGuire
B. C. Beckmann	Ed. A. Gullion	Chas. A. Nelson
C. W. Bennett	J. Edgar Hadden	Geo. W. Newman
J. E. Bickett	Thos. O. Holder	D. A. O'Donovan
W. M. Boling	N. T. Hopkins	C. C. Oney
J. F. Bosworth	Frank J. Humbert	Brodie Payne
Thos. Bowman	Lester Jeter	H. Walter Pierce
Berl Boyd	Ira Jones	Arch M. Quarles
John E. Brown	Wright Kelly	R. I. Rice
Sam A. Cary	H. R. Lawrence	David I. Scott
Chas. Chandler	Oscar Leibson	Lee L. Simons
Lee Clark	Leon P. Lewis	Reuben E. Skaggs
E. B. Cross	Martin Light	R. F. Stewart
A. W. Dorsey	Rufus Lisle	Frank L. Strange
George W. Ellis	Harry B. Miller	Geo. F. Thompson
Mrs. M. E. Flannery	Claude D. Minor	H. Q. Thompson
Emery L. Frazier	R. C. Moore	D. D. Thornberry
Dr. H. M. Fultz	Ed. P. Murrah	John M. Tinsley

Garnett W. Tolin	Fred C. Vanhoose	W. G. Wheeler
N. I. Toombs	Geo. C. Waggoner	J. B. Wicker
John L. Trumbo	W. T. Walker	T. C. Willis

—66

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 443. An Act to amend an Act entitled: "An Act relating to roads and bridges and establishing a system of State Highways" and known as Chapter 17 of the Acts of 1920.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Project No. 10 of Section 5 of Chapter 17 of the Acts of 1920 be amended by adding thereto the following Project No. 10a. Beginning at Eddyville and running a road via Cadiz, Trigg County, to the Tennessee State line.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	R. O. Huntsman	R. I. Rice
B. C. Beckmann	Lester Jeter	David I. Scott
C. W. Bennett	Ira Jones	Lee L. Simons
J. E. Bickett	Wright Kelly	Reuben E. Skaggs
W. M. Boling	H. R. Lawrence	R. F. Stewart
Thos. Bowman	Leon P. Lewis	Frank L. Strange
Sam A. Cary	C. C. May	H. V. Thompson
Chas. Chandler	R. C. Moore	Geo. F. Thompson
O. A. Denton	S. H. Moore	D. D. Thornberry
A. W. Dorsey	Ed. P. Murrah	John M. Tinsley
G. Lucien Drury	B. A. Muster	Garnett W. Tolin
George W. Ellis	W. T. McGuire	N. I. Toombs
Mrs. M. E. Flannery	Chas. A. Nelson	John L. Trumbo
Dr. H. M. Fultz	Geo. W. Newman	Geo. C. Waggoner
Bryant Green	D. A. O'Donovan	W. T. Walker
Ed. A. Gullion	C. C. Oney	W. S. Wallen
J. Edgar Hadden	James Park	W. D. Watkins
Oscar P. Harvey	H. Walter Pierce	W. G. Wheeler
N. T. Hopkins	S. R. Powell	T. C. Willis
David J. Howard	Arch M. Quarles	—59

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 259. An Act to amend section 4651 of Kentucky Statutes. In reference to stock running at large upon the public highway.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4651 of the Kentucky Statutes be amended by striking out the word "four" in the third line of said section and inserting in lieu thereof the word "one" and by adding to the said section the words, "All laws in conflict herewith are now repealed;" so that said section when amended shall read as follows:

Sec. 4651. Vote may be taken after the expiration of one year. In any district, districts or county in which a vote is taken under this law another vote shall not be taken until after the expiration of one year from the time the last vote was taken. All laws in conflict herewith are now repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	A. W. Dorsey	Martin Light
B. C. Beckmann	G. Lucien Drury	C. C. May
C. W. Bennett	George W. Ellis	Harry B. Miller
J. E. Bickett	Dr. H. M. Fultz	Claude D. Minor
W. M. Boling	Ed. A. Gullion	R. C. Moore
J. F. Bosworth	J. Edgar Hadden	S. H. Moore
Berl Boyd	N. T. Hopkins	B. A. Muster
John E. Brown	David J. Howard	W. T. McGuire
J. C. Day	Wright Kelly	Chas. A. Nelson
O. A. Denton	S. B. Lane	C. C. Oney
G. Givens Dixon	H. R. Lawrence	H. Walter Pierce

S. R. Powell	D. D. Thornberry	W. T. Walker
Arch M. Quarles	John M. Tinsley	W. D. Watkins
R. I. Rice	Garnett W. Tolin	W. G. Wheeler
David I. Scott	N. I. Toombs	J. B. Wicker
Lee L. Simons	John L. Trumbo	T. C. Willis
R. F. Stewart	Fred C. Vanhoose	
Geo. F. Thompson	Geo. C. Waggoner	—52

Those who voted in the negative were—

Thos. Bowman	Ed. P. Murrah	Reuben E. Skaggs
E. B. Cross		—4

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 393. An Act to amend sections 1, 4a, 9, 10, 12, 16, 17, 18, 24, 35, 73 and 74 of an Act entitled: "An Act to provide an elective system of Workmen's Compensation for industrial accidents" and known as chapter 33 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved by the Governor on March 23, 1916, and the same Act as amended by what is known as Chapter 126 of the Acts of the General Assembly for the year 1918, and approved by the Governor on March 29, 1918, and the same Act as amended by what is known as Chapter 37 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1920, and approved by the Governor on March 22, 1920, said sections as amended, and to be amended are known as Sec-

tions 4880, 4884, 4890, 4891, 4893, 4896, 4897, 4898, 4899, 4905, 4916, 4957 of Carroll's Kentucky Statutes, Vol. 3, 1918 edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of said act be amended by inserting in the second paragraph thereof, following the word "act," the words "including employers having less than three employes," so that said section as amended shall read as follows:

"This act shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States. It shall affect the liability of the employers subject thereto to their employes for personal injuries sustained by the employe by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that personal injury by accident as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall they include the results of a pre-existing disease.

"Any employers and employes who are, by the provisions of this section, excepted from the provisions of this act including employers having less than three employes, may subject themselves thereto by joint voluntary application to the Board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the Board or the employment be terminated."

§ 2. That section 4a of said act be amended by striking

from the last paragraph thereof the words "twenty-six," and inserting in lieu thereof the word "twelve," so that said section as amended shall read as follows:

"In all claims for hernia resulting from injury received in the course of and resulting from the employe's employment, it must be definitely proved to the satisfaction of the Board:

"First.—That there was an injury resulting in hernia.

"Second.—That the hernia appeared suddenly and immediately following the injury.

"Third.—That the hernia did not exist in any degree prior to the injury for which compensation is claimed.

"In all such cases where liability for compensation exists, the employer shall provide competent surgical treatment by radical operation, the limits of benefits payable under Section 4, Section 4883 hereof being increased to two hundred dollars in such cases, if the operation is performed. In case the injured employe refuses to submit to the operation, the employer shall have the right to a medical examination as provided in section 37 hereof. If it be shown by such examination that the employe has any chronic disease or is otherwise in such physical condition so as to render it more than ordinarily unsafe to submit to such operation, he shall, if unwilling to submit to the operation, be entitled to compensation for disability under the general provisions of this act. If the examination does not disclose the existence of disease or other physical condition rendering the operation more than ordinarily unsafe, and the employe, with knowledge of the result of such examination, thereafter refuses to submit to such operation, he shall be entitled to compensation for disability under the general provisions of this act for not exceeding one year.

"If the employe submits to the operation he shall, in addition to the surgical benefits herein provided for, be entitled to compensation for twelve weeks. If the hernia result in death within one year after it is sustained, or the operation

result in death, such death shall be deemed a result of the injury causing such hernia and compensated accordingly under the provisions of this act. This paragraph shall not apply where the employe has refused to submit to an operation which has been found by the examination herein provided for not to be more than ordinarily unsafe."

§ 3. That section 9 of said Act be amended by inserting therein, after the words "under this act" the word "either," and inserting after the words "the employer," and immediately before the words "having paid," the words "or his insurance carrier," and inserting after the word "his" the words "or its" so that said section as amended shall read as follows:

"Whenever an injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employe may at his option either claim compensation or proceed at law by civil action against such other person to recover damages, or proceed both against the employer for compensation and such other person to recover damages, but he shall not collect from both, and if compensation is awarded under this act either the employer or his insurance carrier, having paid the compensation or having become liable therefor, shall have the right to recover in his or its own name or that of the injured employe from the other person in whom legal liability for damages exist to exceed the indemnity paid and payable to the injured employe."

§ 4. That section 10 of said act be amended by inserting in the first paragraph thereof, immediately after the words "or sub-contractor" the words "or their insurance carrier," so that said section as amended shall read as follows:

"A principal, contractor, inter-mediate or sub-contractor shall be liable for compensation to any employe injured while in the employe of anyone of his intermediate or sub-contractors and engaged upon the subject matter of the contract, to

the same extent as the immediate employer. Any principal, intermediate or sub-contractor or their insurance carrier who shall pay compensation under the foregoing provision may recover the amount paid from any subordinate contractor through whom he may have been rendered liable under this section.

Every claim to compensation under this section shall in the first instance be presented to and instituted against the immediate employer, but such proceedings shall not constitute a waiver of the employe's rights to recover compensation under this act from the principal or intermediate contractor; provided, that the collection of full compensation from one employer shall bar recovery by the employe against any others; nor shall he collect from all a total compensation in excess of the amount for which his immediate employer is liable.

This section shall apply only in cases where the injury occurred on, in or about the premises on which the principal contractor has undertaken to execute work or which are under his control otherwise or management."

§ 5. That section 12 of said act be amended by striking from sub-section (2) thereof the figures "$12," and inserting in lieu thereof the figures "$14," and striking therefrom the figures "$4,000" and inserting in lieu thereof the figures "$4,500," and by striking from the first paragraph of subsection (3) thereof the figures "$4,000" and inserting in lieu thereof the figures "$4,500," so that sub-sections as amended shall read as follows:

"(2) If there are one or more wholly dependent persons, 65 per cent of the average weekly earnings of the deceased employe, but not to exceed $14 nor less than $5 per week shall be payable, all such payments to be made for the period between date of death and 335 weeks after the date of the accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $4,000.

"(3) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe may be proportionate to total dependency, all such payments to be made for the period between the date of death and 335 weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $4,500.

"Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency shall not have existed for one year next preceding the date of injury, the Board shall consider all the facts and circumstances and fix such proportion as may be fair and reasonable thereunder."

§ 6. That section 16 of said act be amended by striking from the first paragraph thereof the words "fifteen dollars" and inserting in lieu thereof the words "fourteen dollars" and striking therefrom the words "six thousand" and inserting in lieu thereof the words "five thousand seven hundred and fifty" so that said section as amended shall read as follows:

"When the injury causes total disability for work, the employer, during such disability, except the first seven days thereof, shall pay the employe so injured a weekly compensation equal to 65 per cent of his average weekly earnings, not to exceed fourteen dollars nor less than five dollars per week, such payments to be made during the period of total disability but not longer than eight years after the date of the injury, nor in any case to exceed a maximum sum of five thousand seven hundred and fifty dollars. In case the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the

total period of eight years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum sum of $5,750.00. In case of the following injuries, the disability shall be deemed total and permanent, to-wit:

(1) The total and permanent loss of sight of both eyes.

(2) The loss of both feet at or above the ankle.

(3) The loss of both hands at or above the wrist.

(4) A similar loss of one hand and one foot.

(5) An injury to the spine resulting in permanent and complete paralysis of both arms or both legs, or one arm or one leg.

(6) An injury to the skull resulting in incurable insanity or imbecility.

"The above enumeration is not to be taken as exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability."

§ 7. That Section 17 of said Act be amended by striking therefrom the word "fifteen" and inserting in lieu thereof the word "fourteen" so that said section as amended shall read as follows:

"In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 per cent of the difference between his average weekly earnings which he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed three hundred and thirty-five weeks from the date of injury, nor exceeding the sum of fourteen dollars per week nor the maximum sum of four thousand dollars. In case partial disability follows a period of total disability, such period of total disability shall be deducted from the maximum period allowed for partial disability and the benefits paid on account thereof from the maximum allowed for partial disability."

§ 8. That Section 18 of said Act be amended by striking

from the first paragraph thereof the figures "$12" and inserting in lieu thereof the figures "$14" and by striking from the last paragraph of said section the figures "$12" and inserting in lieu thereof the figures "$14" and by striking from said paragraph the figures "$4,000" and inserting in lieu thereof the figures "$4,500" and by inserting in said section immediately after the words "during one hundred weeks" and immediately before the words "in all other cases," the words "no impairment of or injury to any member shall in any event be compensated in the aggregate to exceed the maximum amount allowable for loss of such member as enumerated in the foregoing paragraphs of this section," so that said section as amended shall read as follows:

"For injuries enumerated in the following schedule, the employe shall receive in lieu of all other compensation, except such as may be payable under Sections 4 and 5 hereof, a weekly compensation equal to 65 per cent of his average weekly earnings, but not less than $5 per week nor exceeding $14 per week for the respective periods stated thereon, to-wit:

"For the loss of a thumb, 65% of the average weekly wages during 60 weeks.

"For the loss of a first finger, commonly called the index finger, 65% of the average weekly wages during 45 weeks.

"For the loss of a second finger, 65% of the average weekly wages during 30 weeks.

"For the loss of a third finger, 65% of the average weekly wages during 20 weeks.

"For the loss of a fourth finger, commonly known as the little finger, 65% of the average weekly wages during 15 weeks.

"The loss of the second, or distal falange, of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

"The loss of the third, or distal falange, of any finger

shall be considered to be equal to the loss of one-third of such finger.

"The loss of the middle, or second falange, of any finger shall be considered to be equal to the loss of two-thirds of such finger.

"The loss of more than the middle and distal falanges of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

"For the loss of a metacarpal bone (bone of palm) for the corresponding thumb, finger or fingers, above, add ten weeks to the number of weeks as above.

"For ankylosis (total stiffness of) or contractures (due to sears or injuries), which makes the fingers more than useless, the same number of weeks apply to such finger or fingers, (not thumb) as given above.

"For the loss of a hand, 65% of the average weekly wages during one hundred and fifty weeks.

"For the loss of an arm, 65% of the average weekly wages during two hundred weeks.

"For the loss of one of the toes, other than the great toe, 65% of the average weekly wages during ten weeks.

"For the loss of the great toe, 65% of the average weekly wages during 30 weeks.

"The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

"The loss of less than two-thirds of any toe shall be considered equal to the loss of one-half toe.

"For the loss of a foot, 65% of the average weekly wages during 125 weeks.

"For the loss of a leg, 65% of the average weekly wages during 200 weeks, or the total and permanent loss of the sight of an eye, 65% of the average weekly wages during 100 weeks.

"No impairment of or injury to any member shall in any event be compensated in the aggregate to exceed the

maximum amount allowable for loss of such member as enumerated in the foregoing paragraphs of this section.

"In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of the injury; the compensation paid therefor shall be 65% of the average weekly earnings of the employe, but not less than $5 nor more than $14, multiplied by the percentage of disability caused by the injury, for such period as the board may determine, not exceeding 335 weeks nor a maximum sum of $4,500. Whenever the weekly payments under this paragraph would be less than $3 per week, the period may be shortened and payments correspondingly increased to that amount. Where compensation, except as provided in Sections 4 and 5 of this Act, is paid under any other provision of this Act the period during which such other compensation is paid and the amount thereof shall be deducted respectively from the maximum period and maximum amount which may be paid under this paragraph."

§ 9. That Section 24 of said Act be amended by inserting therein, immediately before the word "average" in the first paragraph thereof, the word "fair," and by striking from said paragraph the words "reckoning wages as earned while working at full time," so that said section as amended shall read as follows:

"Compenstion shall be computed at the fair average weekly wage earned by the employe at the time of injury.

"(a) If the employe, at the time of injury, is regularly employed in a higher grade of work or occupation than formerly during the year, and with larger regular wages, only such higher grade of work or occupation, if the same be not

seasonal, shall be taken into consideration in computing his average weekly wages."

§ 10. That Section 35 of said Act be amended by inserting therein, immediately after the words "the notice," the words "or claim," so that said section as amended shall read as follows:

"Any such notice or claim shall be given to the employer, or if the employer be a partnership, then to any one of the partners. If the employer be a corporation, then the notice or claim may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation or agent of the corporation in charge of the business at the place where the injury occurred. Such notice or claim may be given by delivery to any of such persons or in the manner provided in Sections 23 hereof."

§ 11. That Section 73 of said Act be amended by adding, at the end thereof, the following paragraph:

"Said notice so filed or a copy thereof certified by the secretary of said board may be used as evidence in any action by or against said employer in any court of this Commonwealth of the facts therein shown and that said employer has elected to operate under this Act," so that said section as amended shall read as follows:

"Election to operate under the provisions of this Act shall be effected by the employer by filing with the board the following notice to-wit:

"(Name of employer) elects to operate under the provision of Chapter (33), Acts of 1916, commonly known as the Workmen's Compensation Act, this election being effective as the day of ——— and covering (here insert name of industry, business or operation on which election is made.)"

"In addition to the name of each industry, business or operation as to which such election is filed, there shall also be stated in the notice with reference thereto (1) its location and address of chief office. (2) Average number of employes during preceding twelve months. (3) Kind of business being

conducted. (4) Method of securing payments of compensation to employes which the employer elects to adopt.

"Such notice shall be in writing signed by the employer, if an individual; by any partner, if a partnership; or by the chief officers or agent within this State, if a corporation.

"And said notice so filed or a copy thereof certified by the secretary of said board may be used in evidence in any action by or against said employer in any court of this Commonwealth of the facts therein shown and that said employer has elected to operate under this Act."

§ 12. That Section 74 of said Act be amended by inserting therein, following the first paragraph thereof, the following additional paragraph:

"The employer shall provide and keep a compensation register, or registers, so that the employes may at all times have opportunity to sign same in acceptance of this Act."

So that said section as amended shall read as follows:

"Election to operate under the provisions of this Act shall be effected by the employe by signing the following notice, to-wit:

" 'I hereby agree with (name of employer) to accept the provisions of Chapter 33, Acts of 1916, commonly known as the Kentucky Workmen's Compensation Act.'

"The employer shall provide and keep a compensation register or registers, so that the employes may at all times have opportunity to sign same in acceptance of this Act.

"The election shall be effective from, and including, the date of signing, which shall be inserted opposite the employe's signature. In case the employe be unable to write, his mark shall be witnessed by a third person, who shall at the time read the notice to the employe. Any number of employes may sign the same notice, provided that there be conspicuously written or printed at the top of each page thereof on which signatures appear a copy of the above form of notice.

If the employment be intermittent or be temporarily suspended, the original acceptance of the employe shall continue effective in subsequent employment under the same employer."

Identification of such signature or mark of the employe shall constitute conclusive proof of his election to operate under the provisions of this Act, in any hearing or proceeding in which such election may be material or in issue.

With an Amendment thereto by way of substitute therefor.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of said act be amended by inserting in the second paragraph thereof, following the word "act," the words "including employers having less than three employes," so that said section as amended shall read as follows:

"This act shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States. It shall affect the liability of the employers subject thereto to their employes for personal injuries sustained by the employe by accident arising out of and in the course of his employment, or for death resulting for such accidental injuries; provided, however, that personal injury by accident as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall they include the result of a pre-existing disease. Any employers and employes who are, by the provisions of this section excepted from the provisions of this act including

employers having less than three employes, may subject themselves thereto by joint voluntary application to the Board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or employment be terminated."

§ 2. That section 9 of said act be amended by inserting therein, after the words "under this act" the word "either," and inserting after the words "the employer," and immediately before the words "having paid," the words "or his insurance carrier," and inserting after the word "his" the words "or its" so that said section as amended shall read as follows:

"Whenever an injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employe may at his option either claim compensation or proceed at law by civil action against such other person to recover damages, or proceed both against the employer for compensation and such other person to recover damages, but he shall not collect from both, and if compensation is awarded under this act either the employer or his insurance carrier, having paid the compensation or having become liable therefor, shall have the right to recover in his or its own name or that of the injured employe from the other person in whom legal liability for damages exists not to exceed the indemnity paid and payable to the injured employe."

§ 3. That section 10 of said act be amended by inserting in the first paragraph thereof, immediately after the words "or sub-contractor" the words "or their insurance carrier," so that said section as amended shall read as follows:

"A principal, contractor, intermediate or sub-contractor shall be liable for compensation to any employe injured while in the employ of any one of his intermediate or sub-contractors and engaged upon the subject matter of the contract, to the

same extent as the immediate employer. Any principal, intermediate or sub-contractor or their insurance carrier who shall pay compensation under the foregoing provision may recover the amount paid from any subordinate contractor through whom he may have been rendered liable under this section.

"Every claim to compensation under this section shall in the first instance be presented to and instituted against the immediate employer, but such proceedings shall not constitute a waiver of the employe's rights to recover compensation under this act from the principal or intermediate contractor; provided, that the collection of full compensation from one employer shall bar recovery by the employe against any other; nor shall he collect from all a total compensation in excess of the amount for which his immediate employer is liable.

"This section shall apply only in cases where the injury occurred on, in or about the premises on which the principal contractor has undertaken to execute work or which are under his control otherwise or management."

§ 4. That section 35 of said act be amended by inserting therein, immediately after the words "the notice," the words "or claim," so that said section as amended shall read as follows:

"Any such notice or claim shall be given to the employer, or if the employer be a partnership, then to any one of the partners. If the employer be a corporation, then the notice or claim may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation or agent of the corporation in charge of the business at the place where the injury occurred. Such notice or claim may be given by delivery to any of such persons or in the manner provided in section 23 hereof."

§ 5. That section 65 of said act be amended by inserting therein immediately after the words "upon any claim for

compensation," in the second paragraph thereof, the following words and figures, to-wit:

"Provided, however, that any mutual insurance association or reciprocal or inter-insurance exchange possessing a surplus of at least One Hundred Thousand ($100,000.00) Dollars and not less in amount than the capital required of a Domestic Stock Insurance Company transacting the same kind of insurance, shall not be required to purchase an annuity or effect reinsurance with a company authorized to transact insurance in this State or to make such a deposit with a bank or trust company in this State for the purpose of fully securing the payment of all deferred installments upon any claim for compensation."

So that said section as amended and re-enacted shall read as follows:

"For the purpose of complying with the provisions of section 63 groups of employers are hereby authorized to conform either among themselves or with employers in other States mutual insurance associations or reciprocal or inter-insurance exchanges subject to the general laws of this State relating to such mutual insurance associations or reciprocal or inter-insurance exchanges and such reasonable conditions and restrictions not inconsistent therewith as may be fixed by the Board. Membership in such mutual insurance associations or reciprocal or inter-insurance exchanges so approved, together with evidence of the payment of premiums due, shall be evidence of compliance with section 63.

The Board shall have power in any case to require any mutual insurance association or reciprocal or inter-insurance exchange to purchase an annuity or to effect reinsurance with a company authorized to transact insurance in this State or to make such deposit with a bank or trust company of this State as shall in either case be approved by said Board for the purpose of fully securing the payment of all deferred installments upon any claim for compensation. Provided, however, that any mutual insurance association or reciprocal or

inter-insurance exchange possessing a surplus of at least One Hundred Thousand ($100,000.00) Dollars and not less in amount than the capital required of a Domestic Stock Insurance Company transacting the same kind of insurance, shall not be required to purchase an annuity or effect reinsurance with a company authorized to transact insurance in this State or to make such a deposit with a bank or trust company of this State for the purpose of fully securing the payment of all deferred installments upon any claim for compensation."

§ 6. That section 73 of said act be amended by adding, at the end thereof, the following paragraph:

"Said notice so filed or a copy thereof certified by the Secretary of said Board may be used as evidence in any action by or against said employer in any Court of this Commonwealth of the facts therein shown and that said employer has elected to operate under this act," so that said section as amended shall read as follows:

"Election to operate under the provisions of this act shall be affected by the employer by filing with the Board the following notice to-wit:

'(Name of employer) elects to operate under the provision of Chapter (33), Acts of 1916, commonly known as the Workmen's Compensation Act, this election being effective as of the day of ..... and covering (here insert name of industry, business or operation on which election is made.)'

In addition to the name of each industry, business or operation as to which such election is filed, there shall also be stated in the notice with reference thereto (1) its location and address of chief office (2) average number of employes during preceding twelve months (3) kind of business being conducted (4) method of securing payments of compensation to employes which the employer elects to adopt.

Such notice shall be in writing signed by the employer, if an individual; by any partner, if a partnership; or by the chief officer or agent within this State, if a corporation.

And said notice so filed or a copy thereof certified by the

secretary of said board may be used as evidence in any action by or against said employer in any court of this Commonwealth of the facts therein shown and that said employer has elected to operate under this act."

§ 7. That Section 74 of said Act be amended by inserting therein, following the first paragraph thereof, the following additional paragraph:

"The employer shall provide and keep a compensation register, or registers, so that the employes may at all times have opportunity to sign same in acceptance of this Act."

So that said section as amended shall read as follows:

"Election to operate under the provisions of this Act shall be effected by the employe by signing the following notice, to-wit:

" 'I hereby agree with (name of employer) to accept the provisions of Chapter 33, Acts of 1916, commonly known as the Kentucky Workmen's Compensation Act.'

"The employer shall provide and keep a compensation register or registers, so that the employes may at all times have oportunity to sign same in acceptance of this Act.

"The election shall be effective from, and including, the date of signing, which shall be inserted opposite the employe's signature. In case the employe be unable to write, his mark shall be witnessed by a third person, who shall at the time read the notice to the employe. Any number of employes may sign the same notice, provided that there be conspicuously written or printed at the top of each page thereof on which signatures appear a copy of the above form of notice. If the employment be intermittent or be temporarily suspended, the original acceptance of the employe shall continue effective in subsequent employment under the same employer."

Identification of such signature or mark of the employe shall constitute conclusive proof of his election to operate under the provisions of this Act, in any hearing or proceeding in which such election may be material or in issue.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	David J. Howard	Brodie Payne
R. M. Amos	R. O. Huntsman	H. Walter Pierce
B. C. Beckmann	Wright Kelly	S. R. Powell
C. W. Bennett	S. B. Lane	Arch M. Quarles
J. E. Bickett	H. R. Lawrence	R. I. Rice
W. M. Boling	Oscar Leibson	David I. Scott
J. F. Bosworth	Leon P. Lewis	Lee L. Simons
Thos. Bowman	Martin Light	Ira D. Smith
W. R. Button	Rufus Lisle	R. F. Stewart
Sam A. Cary	C. C. May	Geo. F. Thompson
Chas. Chandler	Harry J. Meyers	S. G. Thornberry
E. B. Cross	Harry B. Miller	D. D. Thornberry
G. Givens Dixon	Claude D. Minor	John M. Tinsley
A. W. Dorsey	R. C. Moore	Garnett W. Tolin
H. C. Duffy	S. H. Moore	Fred C. Vanhoose
George W. Ellis	Ed. P. Murrah	Geo. C. Waggoner
Mrs. M. E. Flannery	B. A. Muster	W. T. Walker
Emery L. Frazier	W. T. McGuire	W. S. Wallen
Bryant Green	E. E. Nelson	W. G. Wheeler
Ed. A. Gullion	Chas. A. Nelson	J. B. Wicker
J. Edgar Hadden	Geo. W. Newman	T. C. Willis
Oscar P. Harvey	D. A. O'Donovan	
N. T. Hopkins	C. C. Oney	—67

There voted in the negative—

Dr. H. M. Fultz —1

Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed Resolutions which originated in this House, entitled:

H. Res. 18. Resolution for the benefit of the Stenographers of the Chief Clerk of Senate and the Chief Clerk of House of Representatives.

H. Res. 20. Resolution for the benefit of Enrolling Clerks of Senate and House of Representatives.

Ordered that said Resolutions be delivered to the Enrolling Clerk.

Mr. Simons moved that this Session of the House be extended indefinitely.

Said motion was agreed to.

Mr. Dorsey of the Committee on Enrollment reported that he had examined and found correctly enrolled Resolutions of the following titles, viz:

H. Res. 18. (For title see Journal above.)

H. Res. 20. (For title see Journal above.)

Thereupon all other business was suspended and said resolutions were read at length and compared in open ses-

sion and thereupon the Speaker in the presence of the House and in open session affixed his signature thereto.

Ordered that the Enrolling Clerk deliver same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bill duly signed by the President of the Senate, into the possession of the Chief Clerk of the House.

Ordered that the Clerk deliver same to the Governor.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 454. An Act to make it unlawful to have in possession, use or keep high power copper and metal jacket rifles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be unlawful for any person except a sheriff or other peace officer to have in his possession, keep or use any high-power rifle, using and carrying copper or steel jacket bullets, and designed for Army or other such use.

Any person violating this Act shall be guilty of a misdemeanor, and on conviction fined not less than $10.00 nor more than $200.00.

Mr. Kelly offered the following Amendment by way of Substitute therefor.

Said Substitute is as follows, viz:

An Act to make it unlawful for any person except a sheriff or other peace officer, and members of the National Rifle Association, to have in possession, keep or use high-power copper and metal jacket rifles in this Commonwealth, and requiring permit therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. It shall be unlawful for any person or persons in this Commonwealth except a sheriff or other peace officer, and members of the National Rifle Association, to have in his or their possession, keep or use any high-power rifle, using and carrying copper or steel jacket bullets, designed for Army, Navy or other such use.

2. Before any person or persons shall be authorized to have in his or their possession, or keep or use any such high-power rifle, as provided for herein, he or they shall first procure a permit therefor from the Judge of the County Court of the county in this Commonwealth in which such person or persons actually reside, such permit to be duly entered on the records of the County Court as a matter of public record.

3. Any person or persons violating the provisions of this Act shall be guilty of a misdemeanor, and shall, upon conviction therefor, be fined not less than $10.00 nor more than $200.00 for each offense.

Said Substitute was adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Oscar P. Harvey	James Park
B. C. Beckmann	Thos. O. Holder	H. Walter Pierce
C. W. Bennett	N. T. Hopkins	S. R. Powell
J. F. Bosworth	David J. Howard	Arthur Saunders
Thos. Bowman	Frank J. Humbert	David I. Scott
W. R. Button	R. O. Huntsman	Reuben E. Skaggs
Sam A. Cary	Lester Jeter	Geo. F. Thompson
Chas. Chandler	Wright Kelly	S. G. Thornberry
E. B. Cross	Oscar Leibson	John M. Tinsley
J. C. Day	Harry J. Meyers	Garnett W. Tolin
A. W. Dorsey	R. C. Moore	Fred C. Vanhoose
George W. Ellis	S. H. Moore	Geo. C. Waggoner
Mrs. M. E. Flannery	B. A. Muster	W. S. Wallen
W. L. Gossett	E. E. Nelson	J. B. Wicker
Ed. A. Gullion	Geo. W. Newman	T. C. Willis

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Those who voted in the negative were—

J. E. Bickett	H. R. Lawrence	Frank L. Strange
W. M. Boling	Rufus Lisle	H. V. Thompson
Berl Boyd	W. T. McGuire	H. Q. Thompson
Lee Clark	D. A. O'Donovan	N. I. Toombs
O. A. Denton	C. C. Oney	John L. Trumbo
G. Givens Dixon	Brodie Payne	Oscar Vest
G. Lucien Drury	Arch M. Quarles	W. T. Walker
Emery L. Frazier	R. I. Rice	W. D. Watkins
J. Edgar Hadden	Lee L. Simons	W. G. Wheeler
Arch L. Hamilton	Ira D. Smith	
S. B. Lane	R. F. Stewart	

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 391. An Act relating to roads and highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added to the primary road projects established by chapter 17 of the Act of 1920 the following to-wit:

A road from Morehead in Rowan County, Kentucky, to Louisa, Kentucky, by way of Sandy Hook, which will connect the Mayo Trial with the Midland Trail, and the same to be known as Project No. 39½, and to be designated "The John M. Elliott Trail."

(2) Said road thus established is to have all the rights and benefits accorded to any other road established by the Act of 1920, insofar as State and Federal aid in construction and maintenance may be authorized.

Mr. R. C. Moore offered the following Amendment by way of Substitute therefor.

Said Susbstitute is as follows, viz:

An Act to amend "An Act relating to roads and bridges; creating the Department of State Roads and Highways, providing for officers; fixing the salary of the State Highway Engineer and prescribing the amount which may be expended by said department; prescribing laws governing said department and the officers therein; accepting the provision of the Federal law providing that the United States shall assist in the construction of rural post roads and making appropriation for co-operative work with the United States Government; providing for the payment of the State's part of the con-

struction of State aid roads under the present law, providing for the acceptance of and making binding gifts and donations; establishing and designing a primary system of State highways and providing for their construction and maintenance; providing for the obtaining of rights of way and naming cities and towns from which construction shall commence; and repealing subsec. 1, 2, 4, 5, 6 and 7 of section 4356t, Kentucky Statutes, Edition 1915; also repealing sec. 4356u and subsections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 of section 4356x, Kentucky Statutes, Edition 1915, and the supplement to said edition known as Vol. 3, repealing any other Act or Acts in conflict herewith;" the same being Chapter 17, Acts of 1920.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 17, Acts of 1920, be amended by inserting in Sec. 5 thereof the following words:

"Project No. —, from Louisa, which is on project No. 6, to Sandy Hook, which is on Project No. 28." The foregoing words to be inserted immediately after the words: "Project No. — from Campbellsville to Bedford." From Sandy Hook which is on Project No. 28 to Morehead which is on Project No. 47.

Said substitute was adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	W. M. Boling	W. R. Button
C. W. Bennett	J. F. Bosworth	Chas. Chandler
J. E. Bickett	Perl Boyd	E. B. Cross

J. C. Day	Wright Kelly	Arthur Saunders
O. A. Denton	S. B. Lane	David I. Scott
G. Givens Dixon	H. R. Lawrence	Lee L. Simons
A. W. Dorsey	Oscar Leibson	Reuben E. Skaggs
George W. Ellis	Leon P. Lewis	H. V. Thompson
Emery L. Frazier	Martin Light	Geo. F. Thompson
W. L. Gossett	C. C. May	S. G. Thornberry
Ed. A. Gullion	Claude D. Minor	John M. Tinsley
J. Edgar Hadden	R. C. Moore	Garnett W. Tolin
Oscar P. Harvey	Ed. P. Murrah	N. I. Toombs
Thos. O. Holder	W. T. McGuire	John L. Trumbo
N. T. Hopkins	R. D. McMurtry	Fred C. Vanhoose
David J. Howard	Geo. W. Newman	Oscar Vest
Frank J. Humbert	James Park	W. T. Walker
R. O. Huntsman	Brodie Payne	W. G. Wheeler
Lester Jeter	H. Walter Pierce	J. B. Wicker
Ira Jones	R. I. Rice	T. C. Willis

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 90. An Act to amend subsection 3 of section 3704 of the Kentucky Statutes relating to the powers of the Board of Trustees of Towns of the sixth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That subsection 3 of section 3704 of the Kentucky Statutes, Carroll's Edition, 1915, be and the same is

hereby amended by adding to said subsection 3 the words "And in addition thereto may levy and collect annually a property tax not exceeding twenty-five cents on the one hundred dollars' valuation of property subject to taxation in said town for the purpose of erecting or maintaining a street lighting system in said town," so that said section when amended shall read as follows: "Section 3. The Board of Trustees of said town shall have power to levy and collect annually a property tax not exceeding fifty cents on each one hundred dollars' valuation and in addition thereto may levy and collect annually a property tax of not exceeding twenty-five cents on the one hundred dollars' valuation of property subject to taxation in said town for the purpose of erecting or maintaining a street lighting system in said town."

Section 2. All acts and parts of acts in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. This act shall take effect and be in full force and effect from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	E. B. Cross	N. T. Hopkins
R. M. Amos	A. W. Dorsey	David J. Howard
B. C. Beckmann	G. Lucien Drury	R. O. Huntsman
C. W. Bennett	George W. Ellis	Lester Jeter
J. E. Bickett	Mrs.M.E.Flannery	Ira Jones
W. M. Boling	Emery L. Frazier	S. B. Lane
J. F. Bosworth	Ed. A. Gullion	H. R. Lawrence

Leon P. Lewis	H. Walter Pierce	John M. Tinsley
Martin Light	S. R. Powell	Garnett W. Tolin
C. C. May	Arch M. Quarles	N. I. Toombs
Harry J. Meyers	R. I. Rice	John L. Trumbo
Harry B. Miller	Arthur Saunders	Fred C. Vanhoose
Claude D. Minor	David I. Scott	Oscar Vest
S. H. Moore	Lee L. Simons	Geo C. Waggoner
B. A. Muster	Ira D. Smith	W. T. Walker
W. T. McGuire	R. F. Stewart	W. S. Wallen
E. E. Nelson	H. V. Thompson	W. D. Watkins
Geo. W. Newman	H. Q. Thompson	J. B. Wicker
Brodie Payne	S. G. Thornberry	T. C. Willis

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Those who voted in the negative were—

Berl Boyd	W. L. Gossett	C. C. Oney
Lee Clark	Thos. O. Holder	Reuben E. Skaggs
O. A. Denton	Ed. P. Murrah	Geo. F. Thompson

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Resolved that the title thereof be as aforesaid—

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 214. An Act amending section 1050, Kentucky Statutes, in reference to Judges of County Courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1050, Kentucky Statutes, which provides

that the County Judge shall preside over the Quarterly Court —fix the terms of said court, etc., be amended by adding thereto at the end thereof and as an additional paragraph, the following: "Whenever the County Judge shall be unable from any cause to attend or hold the Quarterly Court or preside at any trial therein, he shall appoint and designate by order entered on the order book of the Quarterly Court, a judge of the Quarterly Court who shall possess all the qualifications required by law of the regular judge and the regular County Judge shall be liable upon his bond for the actions of said appointee. All fees to which the County Judge would be entitled by reason of his position as Judge of the Quarterly Court, shall be payable to the person appointed to act as Judge pro tem of the Quarterly Court," so that said section when amended will read, as follows:

"County Judge to Preside—Terms of Court—Change: The Quarterly Court shall be presided over by County Judge, and three shall be held in each county at least four terms of the Quarterly Court each year, at intervals of three months and upon such days as the County Judge may fix, by an order entered upon the order book of said Court; but the County Judge, may by an order so entered provide for the holding of monthly terms, or for continuous sessions of his said Court, but such order must be made at a regular term of said Court and not to take effect until sixty days thereafter. The terms of the Court shall remain as now established until changed as herein provided. At each term the Court shall remain in session as long as the business requires it. (Section as amended by an act of March 12, 1898, the only change being to allow continuous sessions and monthly terms.) Whenever the County Judge shall be unable from any cause to attend or hold the Quarterly Court, a judge of the Quarterly Court, who shall possess all the qualifications required by the law of the regular judge and the regular County Judge shall be liable upon his bond for the actions of said appointee. All fees which the County Judge would be entitled by reason of

his position as Judge of the Quarterly Court shall be payable to the person apointed to act as Judge pro tem of the Quarterly Court."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar Leibson	Ira D. Smith
C. W. Bennett	Leon P. Lewis	R. F. Stewart
J. E. Bickett	Rufus Lisle	H. V. Thompson
W. M. Boling	Harry J. Meyers	Geo. F. Thompson
A. W. Dorsey	Harry B. Miller	S. G. Thornberry
George W. Ellis	Claude D. Minor	D. D. Thornberry
Mrs. M. E. Flannery	B. A. Muster	John M. Tinsley
Emery L. Frazier	W. T. McGuire	Garnett W. Tolin
Arch L. Hamilton	R. D. McMurtry	N. I. Toombs
David J. Howard	E. E. Nelson	John L. Trumbo
Frank J. Humbert	Geo. W. Newman	Geo. C. Waggoner
R. O. Huntsman	Brodie Payne	W. T. Walker
Lester Jeter	S. R. Powell	W. S. Wallen
Ira Jones	David I. Scott	W. D. Watkins
H. R. Lawrence	Lee L. Simons	J. B. Wicker

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Those who voted in the negative were—

R. M. Amos	Thos. O. Holder	H. Walter Pierce
Berl Boyd	Wright Kelly	R. I. Rice
Lee Clark	S. H. Moore	Arthur Saunders
F. B. Cross	Ed. P. Murrah	Reuben E. Skaggs
Bryant Green	C. C. Oney	Fred C. Vanhoose

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Resolved that the title thereof be as aforesaid.

Mr. Simons moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Simons moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH 9, 1922.

The House was opened with prayer by the Rev. Chesterfield Turner of the First Baptist Church of Frankfort.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams	George W. Ellis	S. B. Lane
R. M. Amos	Mrs. M. E. Flannery	H. R. Lawrence
B. C. Beckmann	Emery L. Frazier	Oscar Leibson
C. W. Bennett	Dr. H. M. Fultz	Leon P. Lewis
W. M. Boling	W. L. Gossett	Martin Light
J. F. Bosworth	Bryant Green	Rufus Lisle
Thos. Bowman	Ed. A. Gullion	C. C. May
Berl Boyd	J. Edgar Hadden	Harry J. Meyers
John E. Brown	Arch L. Hamilton	Harry B. Miller
W. R. Button	Oscar P. Harvey	Claude D. Minor
Sam A. Cary	H. C. Hawkins	R. C. Moore
Chas. Chandler	Thos. O. Holder	S. H. Moore
Lee Clark	N. T. Hopkins	Ed. P. Murrah
E. B. Cross	David J. Howard	B. A. Muster
Brice Cundiff	Frank J. Humbert	C. D. McCaw
J. C. Day	R. O. Huntsman	W. T. McGuire
O. A. Denton	J. T. Jennings	E. E. Nelson
A. W. Dorsey	Lester Jeter	Chas. A. Nelson
G. Lucien Drury	Ira Jones	Geo. W. Newman
W. D. Duncan	Wright Kelly	D. A. O'Donovan

C. C. Oney	Ira D. Smith	Chas. B. Truesdell
James Park	R. F. Stewart	John L. Trumbo
Brodie Payne	Frank L. Strange	Fred C. Vanhoose
H. Walter Pierce	H. V. Thompson	Oscar Vest
Arch M. Quarles	Geo. F. Thompson	Geo. C. Waggoner
R. I. Rice	H. Q. Thompson	W. T. Walker
Arthur Saunders	S. G. Thornberry	W. S. Wallen
David I. Scott	D. D. Thornberry	W. D. Watkins
Lee L. Simons	John M. Tinsley	W. G. Wheeler
Reuben E. Skaggs	Garnett W. Tolin	J. B. Wicker
George W. Smith	N. I. Toombs	T. C. Willis

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Frazier moved that Master Rufus Lisle, Jr., and Master Jack Lisle be appointed Pages to the Speaker for the day without pay.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed the following Bills and Resolutions, viz:

S. B. 30. An Act amending an Act entitled: "An Act to amend and re-enact Sec. 3140 and 3138, Kentucky Statutes, Carroll's 1915 Edition, being a part of the charter of cities of the second class, for the better government administration and disposition and discipline of the police and fire department and to create and perpetuate a pension fund for disabled police and firemen, their widows and children and dependent fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after service of a term of years."

S. Res. 27. Resolution authorizing Theodore B. Blakey and Clayton B. Blakey to sue the Commonwealth of Kentucky.

S. Res. 31. A resolution providing for the payment of

expenses of Contestant and Contestee, and others in the matter of Oldham against Wallace pending and decided in the Senate of the Commonwealth of Kentucky.

S. Res. 26. Joint Resolution for the benefit of the Enrolling Clerks of the Senate and House of Representatives.

S. Res. 19. Resolution asking Congress to maintain lighthouse at Louisville.

S. Res. 30. Concurrent Resolution for the appointment of a commission looking to the acquisition of Mammouth Cave property and such adjacent properties as may be deemed desirable by the National Government for National Park purposes.

Ordered that said bills and Resolutions be printed and referred to Committee on Rules.

That they had passed a bill which originated in this House, entitled:

H. B. 244. An Act to amend Sec. 145 of the Constitution.

Said bill was ordered to be delivered to the Enrolling Clerk.

Mr. Minor offered the following Resolution, viz:

Whereas certain newspapers of the general circulation in the State of Kentucky on yesterday and today have carried a news item in large headlines intimating that the Speaker of this House, Hon. James H. Thompson, was guilty of making a trade with the coal interests in order to secure the passage of House Bill 298 sponsored by him, and known as the Thompson Tax Measure; and,

Whereas, it is the sense of this House that the intimations and allegations contained in such articles are unjust and untrue, and have done Speaker Thompson an injustice, therefore,

Be it resolved by the House of Representatives of the General Assembly of Kentucky:

That we condemn any such intimations or allegations purporting to charge Speaker James H. Thompson with any improper motive or action, as untrue, unjust and uncalled for, and that we do hereby unreservedly condemn said articles as unfair and unjust to Mr. Thompson, and further hereby reprimand the reporter or reporters responsible for such articles.

Be it further resolved, that this House does hereby reiterate and make known its faith in the honesty, integrity and courage of its Speaker, Hon. James H. Thompson, and by this action bespeaks his unswearving fealty to the Commonwealth he has made a sacrifice to serve.

Said Resolution was adopted.

At the instance of the Rules Committee, the House took up for consideration from the Orders of the Day a Resolution entitled:

H. Res. 19. Resolution concerning Amendment to Federal Constitution permitting State and Municipal securities to be taxed.

(For Resolution see House Journal February 6.)

Ordered that said Resolution be read the third time.

The Constitutional provision as to the third reading of said Resolution at length being dispensed with it was read the third time by its title and passed.

Mr. Minor offered a Resolution of the following title, viz:

H. Res. 22. Joint Resolution providing for the payment of the expenses of the State Normal School Commission recently created by S. B. 14, which has been passed by the House and Senate and approved by the Governor on March 28, 1922.

Mr. Minor moved that the Rules be suspended and that said Resolution be taken up for consideration.

Said motion was agreed to.

Said Resolution is as follows, viz:

A Joint Resolution providing for the payment of the expenses of the State Normal School Commission recently created by Senate Bill No. 14, which has been passed by the House and Senate and approved by the Governor on March 8, 1922.

Whereas, a State Normal School Commission composed of eight members has been provided in Senate Bill No. 14 which was approved by the Governor on March 8, 1922, whose duty it will be to make certain investigations and inspections in the discharge of their duties as provided in said bill in the location of a State Normal School in Western Kentucky and a State Normal School in Eastern Kentucky; and,

Whereas, no other provision is made for the payment of the expenses incurred by the eight members of this Commission incident to the discharge of their duties,

Now therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of Two Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated for the payment of all the necessary expenses of said Commission incident to the location of a State Normal School in Western Kentucky and a State Normal School in Eastern Kentucky, as provided in Senate Bill No. —, which was approved by the Governor March 8, 1922, said sum to be paid by the Auditor upon proper vouchers when same have been approved by the chairman of said Commission.

Section 2. That the members of this Commission will serve without compensation, and it is but just and fair that their expenses be promptly paid, an emergency is declared to exist and this resolution shall take effect from and after its adoption.

Said Resolution was agreed to.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Oscar P. Harvey	Brodie Payne
B. C. Beckmann	Thos. O. Holder	H. Walter Pierce
C. W. Bennett	N. T. Hopkins	S. R. Powell
W. M. Boling	David J. Howard	R. I. Rice
J. F. Bosworth	Frank J. Humbert	David I. Scott
Thos. Bowman	Lester Jeter	George W. Smith
Berl Boyd	Ira Jones	Geo. F. Thompson
Sam A. Cary	Wright Kelly	D. D. Thornberry
Chas. Chandler	S. B. Lane	John M. Tinsley
Lee Clark	H. R. Lawrence	Garnett W. Tolin
E. B. Cross	Leon P. Lewis	N. I. Toombs
Brice Cundiff	C. C. May	Chas. B. Truesdell
O. A. Denton	Harry J. Meyers	John I. Trumbo
W. D. Duncan	R. C. Moore	Fred C. Vanhoose
George W. Ellis	S. H. Moore	Geo. C. Waggoner
Mrs. M. E. Flannery	Ed. P. Murrah	W. T. Walker
Dr. H. M. Fultz	W. T. McGuire	W. S. Wallen
Bryant Green	E. E. Nelson	W. D. Watkins
Ed. A. Gullion	D. A. O'Donovan	T. C. Willis
J. Edgar Hadden	C. C. Oney	—59

Those who voted in the negative were—

B. A. Muster	Arthur Saunders	R. F. Stewart
Geo. W. Newman	Reuben E. Skaggs	

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At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 191. An Act to prohibit the teaching in public schools and other public institutions of learning Darwinism, Atheism, Agnosticism or Evolution as it pertains to the origin of man.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for a teacher, principal, superintendent, president or any one else who is connected in any way with the Public Schools, High Schools, Training Schools, Normal Schools, Colleges, Universities, or any other institution of learning in this Commonwealth, where public money of this Commonwealth is used in whole or in part for the purpose of maintaining, educating or training the children or young men or young women of this Commonwealth; for such teacher, principal, superintendent, president or other person connected directly or indirectly with such schools or institutions of learning; to teach or knowingly permit the same to be taught, Darwinism, Atheism, Agnosticism, or the theory of evolution in so far as it pertains to the origin of man; and any one so offending shall on conviction be fined not less than Fifty ($50.00) dollars nor more than Five Thousand ($5,000.00) dollars or confined in the County Jail not less than ten days nor more than twelve months or both fined and imprisoned in the discretion of the jury.

§ 2. If any School, College, University, Normal School, Training School, or any other Institution of learning which has been chartered by the Commonwealth of Kentucky and which is sustained in whole or in part by the public funds of

the said Commonwealth, shall knowingly or wilfully teach or permit to be taught Darwinism, Atheism, Agnosticism, or the theory of Evolution in so far as it pertains to the origin of man, shall forfeit its charter and on conviction be fined in any sum not to exceed Five ($5,000.00) thousand dollars. In all proceedings of forfeiture or revocation of charter, the holder thereof shall be given thirty days notice in which to prepare for a hearing, and shall be heard by its representative or counsel.

The Commonwealth or the accused may take such oral or written proof for or against the accused as either may deem it the best, to present the facts.

This act to be in full force and effect from and after its passage and approved, as provided by law.

Mr. Minor moved that the House do now resolve itself into the Committee of the Whole House for the purpose of hearing addresses from various visitors and others in regard to said bill.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Minor as Chairman of the Committee of the Whole House.

After a time Mr. Minor, the Chairman of the Whole House, reported progress, the Speaker having resumed the Chair.

Mr. Minor moved the Previous Question.

The Speaker stated shall the main question be now put.

The question being taken thereon it was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and rejected.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Ira Jones	S. R. Powell
C. W. Bennett	Wright Kelly	Arch M. Quarles
W. M. Boling	S. B. Lane	Arthur Saunders
Chas. Chandler	Martin Light	Reuben E. Skaggs
F. B. Cross	R. C. Moore	S. G. Thornberry
J. C. Day	S. H. Moore	D. D. Thornberry
O. A. Denton	Ed. P. Murrah	N. I. Toombs
George W. Ellis	W. T. McGuire	John L. Trumbo
Dr. H. M. Fultz	Chas. A. Nelson	Fred C. Vanhoose
Oscar P. Harvey	Geo. W. Newman	W. T. Walker
Thos. O. Holder	D. A. O'Donovan	W. G. Wheeler
N. T. Hopkins	C. C. Oney	J. B. Wicker
Frank J. Humbert	Brodie Payne	T. C. Willis
R. O. Huntsman	H. Walter Pierce	

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Those who voted in the negative were—

Samuel W. Adams	David J. Howard	R. I. Rice
B. C. Beckmann	Lester Jeter	Lee L. Simons
J. F. Bosworth	H. R. Lawrence	George W. Smith
Thos. Bowman	Oscar Leibson	Ira D. Smith
Berl Boyd	Leon P. Lewis	R. F. Stewart
John E. Brown	Rufus Lisle	Frank L. Strange
Lee Clark	Harry J. Meyers	H. V. Thompson
Brice Cundiff	Harry B. Miller	H. Q. Thompson
A. W. Dorsey	Claude D. Minor	Garnett W. Tolin
G. Lucien Drury	B. A. Muster	Chas. B. Truesdell
Mrs. M. E. Flannery	C. D. McCaw	Oscar Vest
Ed. A. Gullion	R. D. McMurtry	Geo. C. Waggoner
J. Edgar Hadden	E. E. Nelson	W. S. Wallen
Arch L. Hamilton	James Park	W. D. Watkins

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Mr. Miller moved that the vote by which said bill was rejected be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

By unanimous consent the following bill was introduced, ordered printed and referred to Committee on Rules.

By Mr. Waggoner.

H. B. 477. An Act to amend subsec. 1 of sec. 185i-a of Kentucky Statutes, 1915 Edition, relating to commissioners in certain counties dividing counties by districts.

H. B. 371. An Act providing for the appointment of a State Plumbing Inspector; prescribing his duties, providing for the establishing of boards for the examination, registration and licensing of those engaged in the cities of the Commonwealth which have water and sewer systems; prescribing the license fees to be paid by those licensed under the provisions of this Act, and prescribing penalties for those violating the provisions of this Act.

S. B. 13. An Act to require cities of the second class to offer for sale a new franchise eighteen months before the expiration of any franchise acquired under or prior to the present constitution.

H. B. 159. An Act to repeal sec. 4507-4517 and all intervening sections of Kentucky Statutes relating to county teachers' institutes and to provide in lieu thereof for the establishment, maintenance and operation of a county teacher training course to be conducted under rules and regulations adopted by the State Board of Education in each county of this Commonwealth and to provide for a teacher training

department in high schools and to appropriate the necessary funds therefor.

H. B. 464. An Act to repeal the charter of Pittsburgh, a town of the sixth class, located in Laurel County, Kentucky.

H. B. 476. An Act amending Chap. 17, Acts 1920.

S. B. 69. An Act amending Sec. 4646 of Kentucky Statutes relating to stock running at large.

S. B. 102. An Act limiting the load hauled over any turnpike, gravel or any hard surfaced roads in this Commonwealth.

S. B. 192. An Act to amend Section 25, subsec. 2, 3, 4, 5, 6, 11, respectively of chapter 19, Acts of 1916 of the General Assembly of Kentucky approved by Governor March 15, 1916.

S. B. 206. An Act for the protection and conservation of natural gas, etc.

At the instance of the Committee on Rules, the following bills were reported with the expression of opinion that they ought to pass, viz:

H. B. 429. An Act to provide for the abandonment of branch lines of railroad not exceeding ten miles in length, when same becomes unprofitable and the community involved is served at each terminus of such branch line by the main line or lines of one or more railroads.

H. B. 460. An Act to provide Project No. 64 from Mt. Sterling via Sharpsburg and Flemingsburg to Maysville.

S. B. 78. An Act to repeal Sec. 4535k-1, Sec. 4535k-5, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to Federal Aid and Vocational Education; also, Sec. 4377, Sec. 4383, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the State Board of Education; also, Sec. 4384, Sec. 4398a-5, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the Superintendent of Public Instruction; and in order to provide for a more effective general administration and supervision of the common school and of vocational education in this Commonwealth, be there enacted in lieu of the above the following sections, relating to the duties and powers of the State Board of Education, and the following sections relating to the powers and duties of the Superintendent of Public Instruction.

H. B. 363. An Act to abandon the West Kentucky Industrial College for Colored Persons, located at Paducah.

H. B. 465. An Act to repeal the charter of East Bernstadt, a town of the sixth class, located in Laurel County, Kentucky.

H. B. 169. An Act to require railroads to put in and maintain farm crossings.

Said bills were read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz:

S. B. 121. An Act to amend Sec. 5 and to repeal Sec. 6, 10 and 12, of Chapter 100, of the Acts of the General As-

sembly of 1920, entitled: "An Act to define and prohibit criminal syndicalism and sedition and to prohibit the conduct, publications, assemblies and the use of property for the promotion of criminal syndicalism and sedition, prescribing the duties of peace officers and providing penalties."

S. B. 34. An Act to regulate the issue and redemption of script or other evidence of debt. In order to prohibit the graft from workmen's wages for advancement before pay day.

S. B. 249. An Act to amend and re-enact Sec. 2218 of Kentucky Statutes as amended and re-enacted by Chapter 165 of the Acts of the General Assembly of 1920.

H. B. 413. An Act to change the name of the Eastern Kentucky State Normal School and the name of the Western Kentucky State Normal School.

H. B. 379. An Act to secure to peace officers making arrests of persons charged with violation of the liquor laws, compensation for their work and expenses in making such arrest.

H. B. 468. An Act establishing a road to lead from Lancaster in Garrard County, via Crab Orchard, in Lincoln County, to Mt. Vernon, in Rockcastle County, as a State Primary Road, and designating same as project No. 23A.

H. B. 470. An Act to amend an Act entitled: "An Act relating to roads and bridges and establishing a system of primary roads for the State of Kentucky" and known as Chapter 17 of the Acts of 1920.

H. B. 471. An Act relating to roads and bridges, and

amending Chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto, as project No. —, extending from Florence to Burlington.

S. B. 152. An Act imposing a license tax on each show, exhibition, concert or other performance where a fee is charged or collected, except where such show, exhibition, concert or other performance is given within the grounds of a county or state fair during the period when a fair is being conducted therein, and except where the proceeds of such show, exhibition, concert or other performance is devoted exclusively to religious, benevolent or educational purposes, or for the benefit of the American Legion, and except where such show, exhibition, concert or other performance is in a licensed hall.

S. B. 200. An Act to repeal Sec. 1, Sec. 2, and Sec. 3 of Chapter 36 of the Acts of the General Assembly of 1920, relating to the election and qualification of members of county boards of education and providing for the selection of a treasurer thereof, and to enact in lieu thereof the following sections, providing for a system by which the county district may be divided into five divisions as nearly equal in population as practicable, and for the election of one member of the county board of education from each such division, and fixing the manner and time of the election, the term of office, and the jurisdiction of the county board so elected, and providing for the selection of a treasurer thereof.

H. B. 403. An Act for the better punishment of bribery and corruption in elections and repealing sections 1586 and 1587 of Carroll's Kentucky Statutes and re-enacting same.

S. B. 118. An Act to amend and re-enact subsec. 1 of Sec. 4636c, Kentucky Statutes, Carroll's 1918 Edition, relat-

ing to the appointment and qualification of members of the Board of Trustees of the University of Kentucky.

S. B. 185. An Act to repeal sec. 3915 to 392 inclusive, Kentucky Statutes, relating to pools, trusts and conspiracies in restraint of trades and to repeal Chapter 150, Acts 1920, sec. 1 to 22 inclusive.

S. B. 245. An Act accepting in behalf of the Commonwealth of Kentucky from Arch H. Pulliam and others constituting the Old Kentucky Home Commission, title to the estate near Bardstown, Kentucky, known as "Federal Hill," creating a commission to receive and hold title to said property under the name of "My Old Kentucky Home Commission," prescribing duties and appropriating for said commission for improvements and maintenance of Federal Hill.

S. B. 84. An Act to amend and re-enact Sec. 815, Kentucky Statutes, Carroll's 1915 Edition.

H. B. 213. An Act providing a vacation for county judge.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. Minor moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 10, 1922.

The House was opened with prayer by the Rev. Chesterfield Turner of the First Baptist Church of Frankfort, Kentucky.

The roll was called and the following Members answered to their names, viz:

Samuel W. Adams
R. M. Amos
B. C. Beckmann
C. W. Bennett
J. E. Bickett
W. M. Boling
J. F. Bosworth
Thos. Bowman
Berl Boyd
John E. Brown
Sam A. Cary
Chas. Chandler
Lee Clark
E. B. Cross
Bryce Cundiff
J. C. Day
O. A. Denton
G. Givens Dixon
A. W. Dorsey
G. Lucien Drury
H. C. Duffy
W. D. Duncan
George W. Ellis
Mrs. M. E. Flannery
Emery L. Frazier
Dr. H. M. Fultz
W. L. Gossett
Bryant Green
Ed. A. Gullion
J. Edgar Hadden
Arch L. Hamilton
Oscar P. Harvey
H. C. Hawkins
Thos. O. Holder
N. T. Hopkins
David J. Howard
Frank J. Humbert
R. O. Huntsman
J. T. Jennings
Lester Jeter
Ira Jones
Wright Kelly
S. B. Lane
H. R. Lawrence
Oscar Leibson
Leon P. Lewis
Martin Light
Rufus Lisle
C. C. May
Harry J. Meyers
Harry B. Miller
Claude D. Minor
R. C. Moore
S. H. Moore
Ed. P. Murrah
B. A. Muster
C. D. McCaw
W. T. McGuire
E. E. Nelson
Chas. A. Nelson
Geo. W. Newman
D. A. O'Donovan
C. C. Oney
James Park
Brodie Payne
H. Walter Pierce
S. R. Powell
Arch M. Quarles
R. I. Rice
Arthur Saunders
David I. Scott
Lee L. Simons
Reuben E. Skaggs
George W. Smith
Ira D. Smith
R. F. Stewart
Frank L. Strange
H. V. Thompson
Geo. F. Thompson
H. Q. Thompson
D. D. Thornberry
D. D. Thornberry
John M. Tinsley
Garnett W. Tolin
N. I. Toombs
Chas. B. Truesdell
John L. Trumbo
Fred C. Vanhoose
Oscar Vest
Geo. C. Waggoner
W. T. Walker
W. S. Wallen
W. D. Watkins
W. G. Wheeler
J. B. Wicker
T. C. Willis

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 275. An Act to amend and re-enact sec. 1158, Kentucky Statutes, Carroll's Edition of 1915.

S. B. 175. An Act authorizing dentists who have practiced their profession continuously for twelve years to register in the County Court Clerk's office in their home county, and prescribing regulations concerning same.

S. B. 246. An Act to amend and re-enact Sec. 11 of Chapter 69 of the Acts of the General Assembly of 1918, entitled:

"An Act to suppress, prevent, control and eradicate communicable diseases in live stock; to provide the necessary officers and define their duties, and to appropriate funds necessary for its enforcement, and repealing Sec. 63a, of Article 2, Chapter 5, Carroll's 1915 Edition of Kentucky Statutes."

S. B. 248. An Act to amend and re-enact sec. 22 of chapter 54 of the Acts of the General Assembly of 1918, relating to the commitment, care, treatment, training, segregation and custody of feeble-minded, epileptic, and insane persons, as amended by chapter 66 of the Acts of the General Assembly of 1920.

S. B. 165. An Act to establish project No. 61 in the primary system of State Highways.

Ordered that said bills be printed and referred to Committee on Rules.

That they had passed bill and resolution which originated in this House, viz:

H. B. 229. An Act relating to and amending the charters of cities of the first class and referring in this title to sections of the Kentucky Statutes, Carroll's Edition, 1915, and Vol. III, 1918 Supplement thereof, and Acts of the General Assembly amendatory to said Statutes, and providing that the short title to this Act shall be "City Government Committee Bill—Cities of the First Class."

H. B. 187. An Act to amend and re-enact Sub-sec. 5 of Sec. 3480b Kentucky Statutes relating to the nomination of candidates for commissioners and for mayor and for police judge of third class cities.

H. B. 194. An Act conferring additional powers upon the legislative body or governing authority of cities of the Fourth Class.

H. B. 383. An Act to amend subsec. 3 of Sec. 331e, Kentucky Statutes, Carroll's 1915 Edition.

H. B. 10. An Act adding Subsec. 5A to sec. 5, Chapter 122, Acts 1920, empowering the Game and Fish Commission to declare an open season on animals and birds.

H. B. 444. An Act to amend Sec. 3 of an Act entitled: "An Act to create the Kentucky Library Commission, to define its powers and duties, and to provide for its expenses," which Act was approved March 17, 1910.

H. B. 336. An Act relating to the inspection of illuminating oils and gasoline abolishing the office of "Oil Inspector" and creating the office of Oil Tester and Gauger;

providing for the payment of said officers and disposing of the inspection fees collected.

H. B. 302. An Act to appropriate money for the erection of a poultry building on the Kentucky State Fair Grounds.

H. B. 147. An Act authorizing Courts of Justice to grant Declaratory Judgments.

H. B. 48. An Act to amend and re-enact Sec. 2627 of the Kentucky Statutes, compiled by the Hon. John D. Carroll.

H. B. 42. An Act amending that part of Sec. 965, Kentucky Statutes, relating to the time for holding courts in the 28th Judicial District.

H. Res. 14. Resolution in favor of Bryce Cundiff and Jas. H. Johnson.

H. Res. 16. Resolution for the benefit of James E. Hudson.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk.

Mr. Meyers moved that this Session of the House be extended indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, resolution of the following title, viz:

S. Res. 26. Joint Resolution for the benefit of the Enrolling Clerks of the Senate and House of Representatives.

Said Resloution is as follows, viz:

Therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the enrolling clerk of the Senate and the enrolling clerk of the House of Representatives each be allowed the sum of $150.00 to be paid out of the State Treasury, and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of said enrolling clerks of the Senate and the House of Representatives for $150.00 in addition to their present compensation.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said Resolution at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	W. L. Gossett	Rufus Lisle
B. C. Beckmann	Bryant Green	C. C. May
C. W. Bennett	Ed. A. Gullion	Harry J. Meyers
J. E. Bickett	J. Edgar Hadden	Harry B. Miller
W. M. Boling	Arch L. Hamilton	Claude D. Minor
Berl Boyd	Thos. O. Holder	R. C. Moore
Chas. Chandler	N. T. Hopkins	S. H. Moore
E. B. Cross	David J. Howard	B. A. Muster
Bryce Cundiff	R. O. Huntsman	Chas. A. Nelson
G. Givens Dixon	J. T. Jennings	Geo. W. Newman
A. W. Dorsey	S. B. Lane	Brodie Payne
G. Lucien Drury	H. R. Lawrence	H. Walter Pierce
George W. Ellis	Oscar Leibson	Arch M. Quarles
Mrs. M. E. Flannery	Leon P. Lewis	R. I. Rice
Emery L. Frazier	Martin Light	David I. Scott

Lee L. Simons	John M. Tinsley	W. S. Wallen
Ira D. Smith	Garnett W. Tolin	W. D. Watkins
R. F. Stewart	N. I. Toombs	W. G. Wheeler
Frank L. Strange	Chas. B. Truesdell	J. B. Wicker
H. V. Thompson	Oscar Vest	
D. D. Thornberry	W. T. Walker	—61

Those who voted in the negative were—

Thos. Bowman	C. D. McCaw

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said resolution was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. 27. Resolution authorizing Theodore Blakey and Clayton B. Blakey to sue the Commonwealth of Kentucky.

Said Resolution is as follows, viz:

Whereas, on April 11, 1919, the Governor of Kentucky, upon the recommendation of the Attorney General of Kentucky, employed Theodore B. Blakey and Clayton B. Blakey to make certain investigations and perform certain legal services for the state, which the Attorney General was unable to perform; and

Whereas, the said Blakeys did under that contract make extensive investigation and paid out in actual expenses in such work the sum of $2,733.09; and

Whereas, on the 28th day of November, 1919, in the case

of Commonwealth vs. Roberts Coal Company, the Court of Appeals held that the Governor had the right to employ said Blakeys to make said investigations but that the contract for the institution of suits was void on account of indefiniteness, the said Blakeys were deprived of any opportunity to secure any compensation or a return of the money which they had paid out in making said investigations; and

Whereas, in equity and good conscience such money so expended by them for the Commonwealth should be refunded by it;

Now therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Theodore B. Blakey and Clayton B. Blakey be and they are hereby authorized to institute a suit in the Franklin Circuit Court against the Commonwealth of Kentucky to recover the amount of money which they actually paid out as expenses in making the investigations required by their contract of date April 11th, 1919, and on file in the office of the Secretary of State, and any judgment which they may obtain shall be paid by the auditor by warrant on the Treasurer but the amount of the judgment shall not exceed the sum of $2,733.09.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Berl Boyd	O. A. Denton
C. W. Bennett	Lee Clark	G. Lucien Drury
J. E. Bickett	Bryce Cundiff	W. D. Duncan

George W. Ellis	Martin Light	George W. Smith
Mrs. M. E. Flannery	Rufus Lisle	Ira D. Smith
Emery L. Frazier	Harry J. Meyers	Frank L. Strange
W. L. Gossett	Harry B. Miller	H. V. Thompson
Ed. A. Gullion	Claude D. Minor	John M. Tinsley
J. Edgar Hadden	Ed. P. Murrah	N. I. Toombs
Arch L. Hamilton	B. A. Muster	Oscar Vest
Oscar P. Harvey	R. D. McMurtry	Geo. C. Waggoner
Thos. O. Holder	D. A. O'Donovan	W. T. Walker
N. T. Hopkins	Brodie Payne	W. S. Wallen
David J. Howard	Arthur Saunders	W. D. Watkins
Frank J. Humbert	David I. Scott	J. B. Wicker
R. O. Huntsman	Lee L. Simons	—47

Those who voted in the negative were—

E. B. Cross	G. Givens Dixon	C. C. Oney

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said resolution was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Minor offered the following Resolution, viz:

H. Res. 23. Resolution for the benefit of the Ministers of Frankfort.

Said Resolution is as follows, viz:

Resolution for the benefit of the Ministers of the Churches of Frankfort.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of seventy-five dollars to each of the following named Ministers herein is hereby appropriated out of

any funds in the State Treasury not otherwise appropriated, viz:

Father Klosterman, Roger T. Nooe, J. C. Pelgrim, Chesterfield Turner, I. W. Wilcox, M. S. Clark and J. H. Gibbons, and the Auditor of Public Accounts will draw his warrant on the State Treasurer to each of the foregoing named persons for the sum of seventy-five dollars.

Said Resolution was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Thos. O. Holder	Brodie Payne
R. M. Amos	David J. Howard	H. Walter Pierce
B. C. Beckmann	Frank J. Humbert	Arch M. Quarles
C. W. Bennett	R. O. Huntsman	Arthur Saunders
J. E. Bickett	J. T. Jennings	David I. Scott
W. M. Boling	Lester Jeter	George W. Smith
Thos. Bowman	Ira Jones	Ira D. Smith
Sam A. Cary	S. B. Lane	R. F. Stewart
Chas. Chandler	Leon P. Lewis	Frank L. Strange
Lee Clark	Martin Light	H. V. Thompson
Brice Cundiff	C. C. May	Geo. F. Thompson
O. A. Denton	Harry J. Meyers	D. D. Thornberry
A. W. Dorsey	Harry B. Miller	John M. Tinsley
G. Lucien Drury	Claude D. Minor	Garnett W. Tolin
H. C. Duffy	R. C. Moore	N. I. Toombs
W. D. Duncan	S. H. Moore	Chas. B. Truesdell
George W. Ellis	Ed. P. Murrah	John L. Trumbo
Mrs. M. E. Flannery	C. D. McCaw	Oscar Vest
Emery L. Frazier	W. T. McGuire	Geo. C. Waggoner
W. L. Gossett	R. D. McMurtry	W. T. Walker
Bryant Green	Chas. A. Nelson	W. S. Wallen
Ed. A. Gullion	Geo. W. Newman	W. D. Watkins
J. Edgar Hadden	D. A. O'Donovan	W. G. Wheeler
Arch L. Hamilton	C. C. Oney	J. B. Wicker
Oscar P. Harvey	James Park	

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There voted in the negative—

E. B. Cross

—1

Mr. Minor moved that the vote by which said resolution was adopted be reconsidered and that motion lie on the table.

Said last named resolution was agreed to.

Mr. Minor offered the following Resolution, viz:

H. Res. 24. Resolution for the benefit of Hallie Brown, Catherine Tucker, telephone operators, and for Lizzie Ellis and Georgia Saunders, dust girls.

Said Resolution is as follows, viz:

Resolution for the benefit of Miss Hallie Brown and Miss Catherine Tucker, telephone operators for the House and Senate, and also for the benefit of Lizzie Ellis and Georgia Saunders, dust girls for the House and Senate, and appropriating money therefor.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of twenty-five dollars ($25.00) be appropriated out of any funds in the State Treasury not otherwise appropriated, to Miss Hallie Brown; that the sum of twenty-five dollars ($25.00) be appropriated out of any funds in the State Treasury not otherwise appropriated to Miss Catherine Tucker, both of whom are telephone operators in the House rest room. And, that the sum of twenty-five dollars ($25.00) be appropriated out of any funds in the State Treasury not otherwise appropriated, to Lizzie Ellis, and that the sum of twenty-five dollars ($25.00) be appropriated out of any funds

in the State Treasury not otherwise appropriated, to Georgia Saunders, both of whom are dust girls for the House and Senate. The Auditor of Public Accounts will draw his warrant on the State Treasurer for the amounts aforesaid in favor of the persons herein named.

Said Resolution was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Frank J. Humbert	Arthur Saunders
S. M. Amos	R. O. Huntsman	David I. Scott
B. C. Beckmann	Lester Jeter	Lee L. Simons
C. W. Bennett	S. B. Lane	Reuben E. Skaggs
J. E. Bickett	H. R. Lawrence	George W. Smith
W. M. Boling	Leon P. Lewis	Ira D. Smith
Chas. Chandler	Rufus Lisle	R. F. Stewart
E. B. Cross	C. C. May	H. V. Thompson
Brice Cundiff	Harry J. Meyers	Geo. F. Thompson
G. Lucien Drury	Harry B. Miller	H. Q. Thompson
W. D. Duncan	Claude D. Minor	D. D. Thornberry
George W. Ellis	S. H. Moore	John M. Tinsley
Mrs. M. E. Flannery	B. A. Muster	Garnett W. Tolin
Emery L. Frazier	C. D. McCaw	N. I. Toombs
Bryant Green	R. D. McMurtry	Oscar Vest
J. Edgar Hadden	E. E. Nelson	W. T. Walker
Arch L. Hamilton	Geo. W. Newman	W. S. Wallen
Oscar P. Harvey	D. A. O'Donovan	W. D. Watkins
Thos. O. Holder	C. C. Oney	
David J. Howard	Brodie Payne	—58

Mr. Minor moved that the vote by which said resolution was adopted be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Minor of the Committee on Rules, reported the fol-

lowing bills with the expression of opinion that they ought to pass, viz:

S. B. 30. An Act amending an Act entitled: "An Act to amend and re-enact sec. 3140 and 3138, Kentucky Statutes, Carroll's 1915 Edition, being a part of the charter of cities of the second class to create and perpetuate a pension fund for Police and Firemen, their widows, children, fathers and mothers and to pension members thereof after a term of years.

S. B. 12. An Act to amend Sec. 18 of an Act of the General Assembly of the Commonwealth of Kentucky passed at the 1918 session which is chapter 64 of the Acts of 1918, relating to the drainage and the prevention of overflow of lands, towns, cities, roads, streets, the establishment, organization and maintenance of drainage, levee and reclamation districts, etc.

S. B. 225. An Act for the benefit of the Red Cross Association (Colored) of Louisville.

S. B. 165. An Act to establish project 61 in the primary system of State Highways.

S. B. 175. An Act authorizing dentists who have practiced their profession continuously for 12 years to register in the County Clerk's office in their home county and prescribing regulations concerning same.

S. B. 248. An Act to amend and re-enact sec. 22 of chapter 54 of the Acts of the General Assembly of 1910, relating to the commitment, care, treatment, training, segregation and custody of feeble-minded, epileptic and insane persons as amended by chapter 66 of the Acts of the General Assembly of 1920.

S. B. 275. An Act to amend and re-enact sec. 1158, Kentucky Statutes, Carroll's Edition of 1915.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 429. An Act to provide for the abandonment of branch lines of railroad not exceeding ten miles in length, when same becomes unprofitable and the community involved is served at each terminus of such branch line by the main line or lines of one or more railroads.

H. B. 460. An Act to provide Project No. 64 from Mt. Sterling via Sharpsburg and Flemingsburg to Maysville.

S. B. 78. An Act to repeal Sec. 4535k-1, Sec. 4535k-5, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to Federal Aid and Vocational Education; also, Sec. 4377, Sec. 4383, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the State Board of Education; also, Sec. 4384, Sec. 4398a-5, and all intervening sections, of the Kentucky Statutes, Carroll's Edition, 1918, relating to the powers and duties of the Superintendent of Public Instruction; and in order to provide for a more effective general administration and supervision of the common school and of vocational education in this Commonwealth, be there enacted in lieu of the above the following sections, relating to the duties and powers of the State Board of Education, and the following sections relating to the powers and duties of the Superintendent of Public Instruction.

S. B. 69. An Act amending Sec. 4646 of Kentucky Statutes relating to stock running at large.

S. B. 102. An Act limiting the load hauled over any turnpike, gravel or any hard surfaced roads in this Commonwealth.

S. B. 192. An Act to amend Section 25, subsec. 2, 3, 4, 5, 6, 11, respectively of chapter 19, Acts of 1916 of the General Assembly of Kentucky approved by Governor March 15, 1916.

S. B. 206. An Act for the protection and conservation of natural gas, etc.

H. B. 371. An Act providing for the appointment of a State Plumbing Inspector; prescribing his duties, providing for the establishing of boards for the examination, registration and licensing of those engaged in the cities of the Commonwealth which have water and sewer systems; prescribing the license fees to paid by those licensed under the provisions of this Act, and prescribing penalties for those violating the provisions of this Act.

S. B. 13. An Act to require cities of the second class to offer for sale a new franchise eighteen months before the expiration of any franchise acquired under or prior to the present constitution.

H. B. 159. An Act to repeal sec. 4507-4517 and all intervening sections of Kentucky Statutes relating to county teachers' institutes and to provide in lieu thereof for the establishment, maintenance and operation of a county teacher training course to be conducted under rules and regulations adopted by the State Board of Education in each county of this Commonwealth and to provide for a teacher training de-

partment in high schools and to appropriate the necessary funds therefor.

H. B. 464. An Act to repeal the charter of Pittsburgh, a town of the sixth class, located in Laurel County, Kentucky.

H. B. 476. An Act amending Chap. 17, Acts 1920.

H. B. 363. An Act to abandon the West Kentucky Industrial College for Colored Persons, located at Paducah.

H. B. 465. An Act to repeal the charter of East Bernstadt, a town of the sixth class, located in Laurel County, Kentucky.

H. B. 169. An Act to require railroads to put in and maintain farm crossings.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 373. An Act repealing Sec. 3942c, Kentucky Statutes, Carroll's Edition, 1915, and re-enacting same.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3942c, Kentucky Statutes, Carroll's 1915 Edition, be, and the same is hereby repealed, and the following is re-enacted in lieu thereof, and said section as re-enacted shall read as follows:

The Commissioners of the Sinking Fund are hereby empowered to employ one engineer, one assistant engineer, one fireman and one assistant fireman, one electrician, one landscape gardener, two elevator men, one day watchman and one night watchman, and such other employes as it may deem necessary. The day watchman and the night watchman shall have the powers of a peace officer upon and about the capitol building and grounds, and shall, before assuming the duties of such officer, take the oath required of peace officers, and shall execute a bond to the Commonwealth of Kentucky in the sum of one thousand dollars each, to be approved by the Governor. The duties and salaries of all employes shall be fixed by said Commissioners of the Sinking Fund.

Every two years the Commissioners of the Sinking Fund shall submit to the Legislature a detailed report of its acts, showing the amount of money received by it under the terms of this act, and to whom and for what purposes it has been paid out.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	David J. Howard	Arthur Saunders
B. C. Beckmann	Lester Jeter	David I. Scott
C. W. Bennett	Ira Jones	Lee L. Simons
J. E. Bickett	Wright Kelly	Reuben E. Skaggs
W. M. Boling	H. R. Lawrence	George W. Smith
Thos. Bowman	Oscar Leibson	Ira D. Smith
Berl Boyd	Leon P. Lewis	R. F. Stewart
Sam A. Cary	Martin Light	Geo. F. Thompson
Chas. Chandler	C. C. May	D. D. Thornberry
Lee Clark	Harry J. Meyers	John M. Tinsley
E. B. Cross	Harry B. Miller	Chas. B. Truesdell
O. A. Denton	Claude D. Minor	John L. Trumbo
G. Givens Dixon	S. H. Moore	Fred C. Vanhoose
George W. Ellis	B. A. Muster	Geo. C. Waggoner
Mrs. M. E. Flannery	C. D. McCaw	W. T. Walker
Emery L. Frazier	Geo. W. Newman	W. S. Wallen
W. L. Gossett	C. C. Oney	W. D. Watkins
Bryant Green	James Park	W. G. Wheeler
Ed. A. Gullion	Brodie Payne	J. B. Wicker
J. Edgar Hadden	H. Walter Pierce	T. C. Willis
Oscar P. Harvey	Arch M. Quarles	
N. T. Hopkins	R. I. Rice	—64

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 93. An Act to amend Sec. 3677 of the Kentucky

Statutes, relating to the collection of taxes for towns of the sixth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 3677 of the Kentucky Statutes, Carroll's Edition, 1915, be and the same is hereby amended by adding after the words "and have the same powers he has in the collection of State and county taxes" the words "and shall receive for collecting said taxes five (5%) per cent of the amount collected" so that said section when amended shall read as follows: "The Board of Trustees shall have power, and it shall be their duty, to provide, by ordinance, a system for the assessment, levy and collection of all town taxes, not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case will permit, to the provisions of the law of this state in reference to the assessment, levy and collection of State and county taxes. All taxes assessed, together with any percentage imposed for delinquency and the costs for collection, shall constitute liens on the property assessed, from and after the fifteenth day of September in each year, which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or in the manner provided for the collection of State taxes, or by action in any court of competent jurisdiction to foreclose such liens. If the Board of Trustees deem it preferable they may place the tax bills for the taxes levied and assessed as herein provided, in the hands of the sheriff for collection instead of having a local tax collector for that purpose, and it shall then be the duty of the sheriff of the county to collect such taxes, upon the

advice of the Board of Trustees, that the taxes have been levied and the amount to collect. The sheriff shall collect said tax at the same time, and have the same powers he has in the collection of state and county taxes and shall receive for collecting said taxes five (5%) per cent of the amount collected. He shall make monthly settlements, not later than the tenth of each month, with the town treasurer for the taxes so collected; provided, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes, or special assessments under the provisions of this chapter, shall have the same force and effect as it may hereafter be provided by law for deeds of property sold for non-payment of state and county taxes."

Section 2. All acts and parts of acts in conflict herewith to the extent of such conflict hereby repealed.

Section 3. This act shall take effect and be in full force and effect from and after its passage.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	Sam A. Cary	George W. Ellis
B. C. Beckmann	E. B. Cross	Mrs. M. E. Flannery
C. W. Bennett	Bryce Cundiff	Dr. H. M. Fultz
J. E. Bickett	G. Givens Dixon	W. L. Gossett
W. M. Boling	A. W. Dorsey	Ed. A. Gullion
Thos. Bowman	G. Lucien Drury	Oscar P. Harvey

N. T. Hopkins	D. A. O'Donovan	Geo. F. Thompson
David J. Howard	James Park	H. Q. Thompson
S. B. Lane	Brodie Payne	D. D. Thornberry
H. R. Lawrence	H. Walter Pierce	John M. Tinsley
C. C. May	S. R. Powell	N. I. Toombs
Harry J. Meyers	David I. Scott	Chas. B. Truesdell
Harry B. Miller	Lee L. Simons	Fred C. Vanhoose
Claude D. Minor	George W. Smith	Geo. C. Waggoner
S. H. Moore	Ira D. Smith	W. T. Walker
B. A. Muster	R. F. Stewart	W. S. Wallen
C. D. McCaw	Frank L. Strange	W. G. Wheeler
Geo. W. Newman	H. V. Thompson	J. B. Wicker

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Those who voted in the negative were—

Berl Boyd	Lester Jeter	Arthur Saunders
Lee Clark	Wright Kelly	John L. Trumbo
O. A. Denton	Ed. P. Murrah	W. T. Walker
H. C. Duffy	C. C. Oney	T. C. Willis
Thos. O. Holder	R. I. Rice	

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Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. O'Donovan addressed the Chair and the Speaker inquired of Mr. O'Donovan for what purpose he arose. Mr. O'Donovan stated that he arose to a Point of Personal Privilege.

Thereupon the Speaker requested Mr. O'Donovan to state his Point of Personal Privilege.

Mr. O'Donovan referred to the refusal of the Committee on Rules to report for passage H. B. 80 (For title see House Journal March 1), and in connection with said statement

moved that the Rules be suspended and that said bill be taken from the Rules Committee for consideration.

The Speaker declared the statement and motion of Mr. O'Donovan out of order.

Thereupon the following, considered by Mr.O'Donovan as a proper appeal was sent to the Clerk's Desk and presented to the Speaker:

"To the Speaker of the House and Members:

I hereby make an appeal to the Members of the floor and request that the decision of the Speaker be set aside and my motion be given preference and acted on in reference to House Bill No. 80 and this bill be taken from the Rules Committee through suspension of rules and be put on immediate passage.

D. A. O'Donovan,
E. B. Cross."

The Speaker declared said appeal improperly drawn, but that he would take the sense of the House to ascertain its will regarding the matter regardless of the procedure.

The Speaker thereupon vacated the Chair and designated Mr. Meyers as Speaker pro tem.

The question being taken on the motion of Mr. O'Donovan it was decided in the negative.

The yeas and nays being required thereon by Messrs. O'Donovan and Cross, were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	W. D. Duncan	S. R. Powell
E. B. Cross	Frank J. Humbert	Geo. F. Thompson
J. C. Day	C. D. McCaw	H. Q. Thompson
G. Givens Dixon	D. A. O'Donovan	—11

Those who voted in the negative were—

Samuel W. Adams	R. O. Huntsman	R. I. Rice
C. W. Bennett	J. T. Jennings	David I. Scott
J. E. Bickett	Ira Jones	Lee L. Simons
Thos. Bowman	S. B. Lane	George W. Smith
Sam A. Cary	H. R. Lawrence	Ira D. Smith
Chas. Chandler	Leon P. Lewis	R. F. Stewart
Lee Clark	Martin Light	Frank L. Strange
Bryce Cundiff	Rufus Lisle	H. V. Thompson
A. W. Dorsey	C. C. May	S. G. Thornberry
G. Lucien Drury	Harry J. Meyers	D. D. Thornberry
Mrs. M. E. Flannery	Harry B. Miller	John M. Tinsley
Emery L. Frazier	Claude D. Minor	Garnett W. Tolin
W. L. Gossett	R. C. Moore	N. I. Toombs
Bryant Green	B. A. Muster	Fred C. Vanhoose
Ed. A. Gullion	R. D. McMurtry	Oscar Vest
J. Edgar Hadden	Chas. A. Nelson	Geo. C. Waggoner
Arch L. Hamilton	Geo. W. Newman	W. T. Walker
Oscar P. Harvey	C. C. Omey	W. S. Wallen
Thos. O. Holder	James Park	W. D. Watkins
N. T. Hopkins	H. Walter Pierce	J. B. Wicker
David J. Howard	Arch M. Quarles	T. C. Willis

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Thereupon the acting Speaker declared the ruling of the Speaker sustained.

Mr. Dorsey of the Committee on Enrollments reported that they had examined and found correctly enrolled bills and resolution of the following titles, viz:

S. B. 68. An Act to repeal an Act concerning dwelling houses of cities, of the first class, being chapter 68 of the session Acts of the General Assembly of 1920.

S. B. 15. An Act to amend and re-enact Sec. 4143 and 4148 of Kentucky Statutes relating to revenue and taxation.

S. Res. 24. Resolution providing for payment of Assistant for Superintendent of Public Printing.

Thereupon all other business was suspended, said bills were read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that said bills be delivered to the Senate.

That they had examined and found correctly enrolled a bill of the following title, viz:

H. B. 148. An Act providing that whoever furnishes work or labor, material or supplies, fixtures or machinery or other thing of value to the lessee holding or owning a leasehold or any right conferred by any lease relating to oil, gas or other minerals, in the development or improvement of such leasehold shall have a lien on the leasehold or the entire interest of the lessee to secure the payment by the lessor for such work or labor, material or supplies, fixtures or machinery, or other thing of value, and providing method for the enforcement of such lien.

Thereupon all other business was suspended, said bill was read at length and compared in open session and thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copy of said bill duly signed by the President of the Senate into the possession of the Chief Clerk.

Ordered that the Clerk deliver same to Governor.

After a time the Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 128. An Act to repeal sections 4507-4517 and all intervening sections of Kentucky Statutes relating to county teacher's institutes and to provide in lieu thereof for the establishment, maintenance and operation of a county teacher training course to be conducted under rules and regulations adopted by the State Board of Education in each county of this Commonwealth, and to provide for a teacher training department in high schools, and to appropriate the necessary funds therefor.

S. B. 284. An Act relating to roads and bridges, and amending chapter 17, Acts of the General Assembly of the Commonwealth of Kentucky 1920, by adding thereto, as-project No. — extending from Florence to Burlington.

S. Res. 25. Resolution to have the name of Gen. John Stuart Williams, an honored soldier, inscribed on the State Battle Monument in the Frankfort Cemetery.

Ordered that said bill be printed and referred to Committee on Rules.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 318. An Act relating to the Kentucky Confederate Home located at Pewee Valley, Oldham County, Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That on and after the first day of July, 1922, the Board of Trustees of said Kentucky Confederate Home stand and the same shall be abolished, and all their powers vested in them by law shall cease and be held for naught.

(2) The control and management of the Kentucky Confederate Home on and after the first day of July, 1922, shall be and is hereby vested in the Board to be known as the Board of Control for the Kentucky Confederate Home, which said Board is to be composed of nine members, five of whom shall be sons and four of whom shall be daughters of persons who did actual military service in the Confederate Army from the date of his enlistment to the close of the War, or until such soldier was honorably discharged as an officer or private soldier or sailor in the military or naval service in the Confederate States of America in the War of 1861-65, the appointment to be made under this Act within twenty days after this Act shall have become a law.

(3) The said members of the Board of Control for the Kentucky Confederate Home shall elect a President from their own number, and may in its discretion elect a Secretary and Treasurer either from among the members of the said Board of Control or a person who is not a member of the Board of Control, and they may in their discretion elect the same person both as Secretary and Treasurer, in either event, having the power to fix the amount of bond which the Treasurer shall be required to give, and which same shall be approved by the Governor of Kentucky, and which shall run in the name of the Commonwealth of Kentucky, and be lodged or filed with the Secretary of State.

(4) Each member of the Board of Control to be appointed as is herein provided shall assume office on the first

day of July, 1922, and thereafter on the first day of July in the year in which the appointment of a member or members may be made. Within twenty days after this act becomes effective the Governor of the Commonwealth shall appoint from such persons as may be qualified under the Act nine members of said Board, three of whom shall serve for a period of two years from the first of July, 1922, three members who shall serve for a period of three years from the first of July, 1922, and three members who shall serve for a period of four years from the first of July, 1922. Thereafter the Governor shall appoint their successors, three at each appointment period for a period of four years, and three members thus appointed to begin service in office on the first of July immediately succeeding the dates of appointment. Any vacancies occurring before the expiration of any one or more members thus to be appointed shall be filled by appointment by the Governor of the Commonwealth, all members to serve and to perform the duties imposed upon them by the present law and all laws now in existence relating to the Confederate Home without any compensation for their services.

The said Board of Control shall meet at the place at which the Confederate Home is or may hereafter be located at least three times in each and every year at such periods and times as they may by their rules and regulations fix, and out of any funds heretofore or to be hereafter appropriated or given to the use or for the benefit of the Home their actual traveling expenses to and from said place of meeting. Five members of said Board of Control shall at all times constitute a quorum.

(5) The duties imposed upon said Board of Control and the restrictions shall be as are now or may hereafter fixed by any law in relation thereto.

(6) All acts and laws and parts of acts or laws in conflict herewith are repealed by this act.

Mr. Minor moved that the House do now resolve itself into the Committee of the Whole House for the purpose of hearing the Hon. Robert T. Crowe and the Hon. W. J. Stone discuss the merits of the matter under consideration.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. H. V. Thompson as Chairman of the Committee of the Whole House.

After a time Mr. Thompson, Chairman of the Committee of the Whole House, reported progress, the Speaker having resumed the Chair.

Mr. Waggoner moved that said bill lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Waggoner and Minor were as follows, viz:

Those who voted in the affirmative were—

R. M. Amos	Dr. H. M. Fultz	S. H. Moore
C. W. Bennett	W. L. Gossett	Ed. P. Murrah
J. E. Bickett	J. Edgar Hadden	R. D. McMurtry
Thos. Bowman	Oscar P. Harvey	E. E. Nelson
Sam A. Cary	Thos. O. Holder	Geo. W. Newman
Chas. Chandler	N. T. Hopkins	D. A. O'Donovan
Lee Clark	Frank J. Humbert	C. C. Oney
F. B. Cross	R. O. Huntsman	H. Walter Pierce
J. C. Day	J. T. Jennings	S. R. Powell
O. A. Denton	Lester Jeter	Arch M. Quarles
A. W. Dorsey	Ira Jones	R. I. Rice
G. Lucien Drury	Wright Kelly	Reuben E. Skaggs
H. C. Duffy	S. B. Lane	Frank L. Strange
George W. Ellis	Oscar Leibson	Geo. F. Thompson
Mrs. M. E. Flannery	R. C. Moore	D. D. Thornberry

John M. Tinsley	Geo. C. Waggoner	W. D. Watkins
John L. Trumbo	W. T. Walker	W. G. Wheeler
Fred C. Vanhoose	W. S. Wallen	T. C. Willis

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Those who voted in the negative were—

Samuel W. Adams	Leon P. Lewis	Lee L. Simons
Berl Boyd	Martin Light	Ira D. Smith
W. R. Button	C. C. May	R. F. Stewart
Bryce Cundiff	Harry J. Meyers	H. V. Thompson
G. Givens Dixon	Harry B. Miller	Garnett W. Tolin
Bryant Green	Claude D. Minor	Chas. B. Truesdell
Ed. A. Gullion	James Park	J. B. Wicker
Arch L. Hamilton	Brodie Payne	
David J. Howard	Arthur Saunders	

—25

And so said bill was rejected.

Mr. Simons moved that during the remainder of this session no Member of this House shall be permitted to explain his vote during roll call.

Said motion was agreed to.

Mr. Minor moved that when the hour of five o'clock arrives, the House do recess until the hour of seven-thirty P. M.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 353. An Act relating to divorce.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Courts having general equity jurisdiction may grant a divorce to the husband for the following causes:

1. When not in like fault, habitually behaving toward him by the wife for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to him or to destroy permanently his peace and happiness.

2. When not in like fault, such cruel beating or injury or attempted injury of the husband by the wife as indicates an outrageous temper in her or probable injury to his life or great bodily injury from his remaining with her.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	A. W. Dorsey	Oscar P. Harvey
R. M. Amos	G. Lucien Drury	H. C. Hawkins
C. W. Bennett	George W. Ellis	Thos. O. Holder
Thos. Bowman	Emery L. Frazier	David J. Howard
Sam A. Cary	Dr. H. M. Fultz	Frank J. Humbert
Chas. Chandler	W. L. Gossett	Lester Jeter
Lee Clark	Bryant Green	Wright Kelly
E. B. Cross	Ed. A. Gullion	Oscar Leibson
Bryce Cundiff	J. Edgar Hadden	Leon P. Lewis
G. Givens Dixon	Arch L. Hamilton	Rufus Lisle

Harry J. Meyers	S. R. Powell	Garnett W. Tolin
Harry B. Miller	R. I. Rice	Chas. B. Truesdell
Claude D. Minor	Arthur Saunders	John L. Trumbo
R. C. Moore	Lee L. Simons	Oscar Vest
S. H. Moore	Reuben E. Skaggs	W. T. Walker
B. A. Muster	R. F. Stewart	W. G. Wheeler
Chas. A. Nelson	Geo. F. Thompson	T. C. Willis
H. Walter Pierce	H. Q. Thompson	—53

Those who voted in the negative were—

J. E. Bickett	R. O. Huntsman	C. C. Oney
W. M. Boling	J. T. Jennings	Ira D. Smith
Berl Boyd	H. R. Lawrence	John M. Tinsley
W. R. Button	Martin Light	Fred C. Vanhoose
O. A. Denton	Ed. P. Murrah	W. S. Wallen
Mrs. M. E. Flannery	E. E. Nelson	W. D. Watkins
		—18

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

319. An Act to repeal subsec. 10 of sec. 1893c, Kentucky Statutes, 1918 edition, and re-enact the same.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That subsection 10 of section 1893c, Kentucky Statutes, 1918 edition, be and the same is hereby repealed and re-

enacted so that the same shall read as follows:

10. *Resident Licenses and Tags for Seine.*—Any person who has been a bona fide resident of this state for one year then past may procure a fisherman's seine license and tag or tags for himself or herself by filing his or her affidavit with the County Court Clerk of the county in which he or she resides, stating his or her name, age, place of residence, post-office address, height, color, color of eyes and hair, number of seines to be used or possessed and the fact whether he or she can write his or her name, and by paying the said County Court Clerk the sum of $5.25 for each license and one tag for each seine of one hundred feet in length or fraction thereof and $2.00 additional for each tag to be attached to each one hundred feet or fraction thereof when said seine exceeds one hundred feet in length. When metal tag or tags mentioned in this act are attached to seine as provided above, the licensee shall be entitled to possess or use it in any of the streams mentioned in section 2 of this act, but nothing herein contained shall authorize any one to go upon the private property of another without the owner's consent.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Samuel W. Adams	J. E. Bickett	W. R. Button
R. M. Amos	J. F. Bosworth	Sam A. Cary
C. W. Bennett	Thos. Bowman	Chas. Chandler

E. B. Cross	C. C. May	Reuben E. Skaggs
G. Givens Dixon	Harry J. Meyers	Ira D. Smith
A. W. Dorsey	Harry B. Miller	R. F. Stewart
George W. Ellis	Ed. P. Murrah	D. D. Thornberry
Mrs. M. E. Flannery	B. A. Muster	John M. Tinsley
Dr. H. M. Fultz	Geo. W. Newman	Garnett W. Tolin
Ed. A. Gullion	D. A. O'Donovan	Chas. B. Truesdell
Oscar P. Harvey	James Park	John L. Trumbo
N. T. Hopkins	H. Walter Pierce	Fred C. Vanhoose
David J. Howard	S. R. Powell	Geo. C. Waggoner
H. R. Lawrence	Arch M. Quarles	W. T. Walker
Leon P. Lewis	R. I. Rice	W. S. Wallen
Martin Light	Arthur Saunders	J. B. Wicker
Rufus Lisle	Lee L. Simons	—50

Those who voted in the negative were—

W. M. Boling	Wright Kelly	Geo. F. Thompson
Berl Boyd	E. E. Nelson	W. G. Wheeler
O. A. Denton	Chas. A. Nelson	T. C. Willis
J. Edgar Hadden	C. C. Oney	—11

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 452. An Act to amend sec. 5, project No. 32, of chapter 17 of the Acts of the General Assembly 1920, by adding to and extending said project.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 5, Project 32, of Chapter 17, of the Acts of the General Assembly of 1920, be amended by adding to and

extending said project to Nicholasville via Georgetown, Soard's Store, Midway, Versailles, Fort Garrett, Pinckard and Keene, so that said Project 32 will read as follows, to-wit:

Project 32, from Nicholasville to Versailles to Midway to Georgetown to Paris to West Liberty via Keene, Pinckard, Fort Garrett, Versailles, Midway, Soard's Store, Mt. Sterling and Frenchburg.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were--

Samuel W. Adams	N. T. Hopkins	H. Walter Pierce
R. M. Amos	David J. Howard	Arch M. Quarles
C. W. Bennett	Frank J. Humbert	R. I. Rice
J. E. Bickett	Lester Jeter	Arthur Saunders
W. M. Boling	Wright Kelly	Ira D. Smith
J. F. Bosworth	Leon P. Lewis	R. F. Stewart
Thos. Bowman	Martin Light	H. Q. Thompson
Berl Boyd	Rufus Lisle	D. D. Thornberry
Sam A. Cary	C. C. May	John M. Tinsley
Chas. Chandler	Harry J. Meyers	Garnett W. Tolin
Bryce Cundiff	Claude D. Minor	N. I. Toombs
A. W. Dorsey	R. C. Moore	Chas. B. Truesdell
G. Lucien Drury	S. H. Moore	John L. Trumbo
H. C. Duffy	B. A. Muster	Fred C. Vanhoose
George W. Ellis	C. D. McCaw	Geo. C. Waggoner
Mrs. M. E. Flannery	R. D. McMurtry	W. T. Walker
Emery L. Frazier	E. E. Nelson	W. S. Wallen
Dr. H. M. Fultz	Chas. A. Nelson	J. B. Wicker
Ed. A. Gullion	Geo. W. Newman	T. C. Willis
Arch L. Hamilton	C. C. Oney	—59

Resolved that the title thereof be as aforesaid.

Mr. Minor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. C. A. Nelson of the Committee heretofore appointed on January 9, under the provisions of the House Resolution No. 2 for the purpose of investigating and reporting upon the conditions at the Kentucky State Reformatory offered the following report together with transcript of testimony taken by said Committee.

Mr. C. A. Nelson moved that said report and attached transcript of evidence be received and spread upon the Journal of the House.

Said motion was agreed to.

Said report and transcript are as follows:

We, your undersigned committee, appointed at a former day of this session of 1922 of the Kentucky General Assembly to make an investigation of the charitable and penal institutions of the State of Kentucky under the management and control of the State Board of Charities and Corrections, and to report the results of said investigation to this honorable body, beg leave to report as follows:

Immediately after our appointment we met and organized and secured the services of Mr. Alvin Steger as an accountant to represent this committee, he having formerly been connected with the office of State Inspector and Examiner. We also secured the services of Mr. Harry Bright as stenographer, who attended each hearing and reported the evidence

taken at such hearing, which evidence is now attached hereto and made a part of this report as fully as if written herein.

We acknowledge first our debt of gratitude to the painstaking efforts and valuable services of both Mr. Steger and Mr. Bright, and also take this means of thanking the present State Inspector and Examiner, Mr. Henry E. James, for the use of his reports, as our investigation was very materially aided by the report of Mr. James on the various departments and from the facts obtained by the work of the accountant, Mr. Alvin Steger.

All the evidence taken on which this report is based was detailed by Mr. E. S. Tachau, chairman, and Mr. J. P. Byers, Commissioner of Public Institutions, of the State Board of Charities and Corrections, except a short examination made of Dr. Milton Board and Dr. Lindsey Morrison, the testimony of these last two named gentlemen being very short and covering only a very few pages. Therefore, the strength of the testimony obtained is noted by reason of the fact that it was obtained from parties connected with the management of the institutions themselves, and their admissions are the facts upon which we base this report.

First, we find from the testimony of Mr. J. P. Byers that in December, 1919, he received a telegram at Philadelphia from Mr. R. W. Bingham, of Louisville, the owner of the Courier-Journal and the Times, to meet Mr. A. T. Hert, State Republican Committeeman for Kentucky, at New York, and that he did so meet him and at the instance of these two gentlemen came to Kentucky and met them and assisted in drawing the law enacted by the Legislature of the State of Kentucky known as Chapter Seven of the Laws of the State of Kentucky for 1920.

This law created a board to handle the charitable and penal institutions of the State, consisting of eight members appointed by the Governor, and they in turn to appoint the Commissioner of Public Institutions. And when the law

went into effect on March 9, 1920, they were duly qualified; and on March 23, 1920, they employed this same J. P. Byers who drew the law, and who was a resident at that time of the State of Pennsylvania, at a salary of $4,200, and started his salary as of date, March 19, 1920, three days before he was employed, which salary was raised in six months to $5,000.

The committee calls the attention of the General Assembly to the fact that under the law heretofore cited, Chapter seven of the Laws of Kentucky, 1920, and which Mr. Byers, the present commissioner, says he assisted in drawing, practically all authority in the management of our State charitable and penal institutions is vested in this officer known as the Commissioner of Public Institutions, and that he has the authority to nominate all superintendents of hospitals and wardens of penitentiaries, and the board can only fail to ratify his nomination. His position is somewhat similar to the appointing power of the Governor. Like the Governor he can name and the Senate can ratify or fail to ratify his appointment, just as the Senate can ratify or fail to ratify the appointment of the Governor. So to all intents and purposes he has all the authority.

This board has since its inception, as shown by the testimony and as shown by its minutes hereto attached, practically turned over all authority in the management of these institutions to the said J. P. Byers, a non-resident of the State of Kentucky.

The committee questions the beneficent management of a board of as many as eight people, the natural inclination being to leave it to the other fellow to do it, the board being large and unwieldy, and that condition has arisen and they have left the entire management to Mr. J. P. Byers, and in the statement made by Judge Alex. P. Humphrey, connected and set out in the testimony hereto attached, they did leave it to Mr. Byers and they assumed full responsibility for his acts.

The charge was made against the old Board of Control

that they had too many employes and were extravagant in their management. This board has increased the number of employes 64, while the population of the institution has decreased. In spite of the fact that since 1919 the tendency of prices of all kinds of material, foodstuffs, etc., as well as for labor, has been downward, this board, instead of decreasing the salaries has increased the salaries of employes of all grades in connection with State institutions in an amount in the neighborhood of $150,000.00 annually.

Shortly after the appointment of Mr. Byers he removed the then warden of the Frankfort Reformatroy, Mr. L. R. Davis, and brought from the State of New York Mr. W. H. Moyer to take his place, the board stating in their testimony that he was only brought here to remain six months. They furnished him the home usually occupied by the warden and authorized him to equip it with such furniture as he saw fit, and this Mr. Moyer, who was to be in charge only a short while, did, buying furniture, silverware, linens, bedding and kitchen utensils to the amount of over five thousand dollars, as is shown by the bills of R. Rogers & Sons, Kagin Bros., M. A. Selbert and Bacon Hardware Company, filed as a part of this testimony, and in the purchase of these furnishings for the home no one representing the board or the State of Kentucky accompanied Mr. Moyer to investigate the prices or pass upon the material to be bought. The bill of R. Rogers & Sons for over three thousand dollars for furniture bought by Mr. Moyer was presented to the auditor, and this committee thinks the auditor very properly refused to pay it, because this committee doesn't believe they had any authority or law warranting the purchase of such supplies; and when the auditor refused to pay the bill it was paid out of the petty cash account carried at the Frankfort Reformatory, as detailed in the testimony of Mr. Byers attached hereto. They then paid the other accounts of Kagin Bros., M. A. Selbert and Bacon Hardware Company out of this petty cash account and without presenting them to the auditor.

They also paid a hotel bill at the Frankfort Hotel of $423 for the entertainment of Mr. Moyer and family before the house was furnished, likewise paying his expenses from the State of New York to this place.

During the management of this board in the fiscal year 1920-1921 the discipline at the prison was such that they had one escape at the Reformatory to every four and a third inmates, which was five times more than ever was had in any given period of any other managing agency of the institution. These escapes not only seriously interfered with the discipline of the prison, but the rewards paid for their return amounted to over six thousand dollars.

They have employed at the institution a bandmaster at a salary of $150.00 a month and a teacher at a like salary, and the committee thinks that these are useless offices and that they have no authority of law to employ them, and that there have always been in the institution convicts sufficiently skilled in music to teach the others, and there have been many educated men confined there who have heretofore taught the convicts, and with good results, and this teacher does not really teach but merely supervises; in other words, sees that the other fellow does the work while he draws the salary.

The board paid a bill in two different items amounting to nearly five thousand dollars to Dr. Roemele of the City of Frankfort for not over seventy-five days' work in administering 6-0-6 to the inmates afflicted with the syphillis. This the committee finds to be an absolute waste of money, because the doctor then in charge, Dr. Linsey Morrison, as set out in his testimony attached hereto, had been administering the drug and to the entire satisfaction of the management, and continued to administer it even after Dr. Roemele had done his work, and he says that Dr. Roemele did nothing in the administering of this drug except to operate the needle as the patients were prepared by him, Dr. Morrison, and his

crew, and that he treated them for all after effects; and that he, Dr. Morrison, and his crew, organized and working as they did, were not aided at all by the presence of Dr. Roemele, and that every dollar that was paid Dr. Roemele was a waste of the State's funds, because the same results could have been obtained by him, the regular physician; and that the regular physicians at all the other institutions have been doing this work.

This board rented a farm at Eddyville of eleven hundred acres, of which only about three hundred and fifty acres are tillable, beginning November 15, 1921, and ending November 15, 1922, for the rent of $2,500.00 annually, payable in advance; and this farm was rented without any member of the board, or the commissioner, or any one representing the State of Kentucky, ever putting foot on the land. They also took an option on the property to buy same at fifty thousand dollars without ever examining the farm.

This board paid a bill to Mr. D. X. Murphy of $1,070.79 for appraising the property of the State, and Mr. Murphy's report covers only eight typewritten pages.

They cancelled a contract for coal in 1920 and during the year installed gas machinery and paid out for the installation of the gas machinery and for the gas used over thirty-five thousand dollars, all of which was abandoned within eight months after its installation.

The Governor appointed the wardens of the two penitentiaries, the head of the Reform School and the Commissioner of Public Institutions as delegates to attend a prison conference at Jacksonville, Fla., and advised them in the appointment that there was no authority under the law for the payment of their expenses; and this board, in the face of the advice from the Governor, sent the parties named as employes and paid the bill, $421, out of the State's funds.

This board has employed a consulting engineer, Mr. George W. Hubeley, of Louisville, Kentucky, and made the

most extraordinary contract of paying him $1,800.00 a year, payable quarterly in advance, and the further sum of $25.00 a day for any day he might be employed, a strict violation of the Constitution of the State of Kentucky.

They have increased the warden's salary at Eddyville from two thousand to three thousand dollars a year, and the warden's salary at Frankfort to thirty-six hundred dollars a year; and under the old employment the State did not furnish their food, but under this employment the State does furnish their food and all maintenance. We submit to the General Assembly if a salary of thirty-six hundred dollars a year, with a house furnished and all food consumed, as well as all servants in connection therewith, is not a salary in excess of the constitutional limits.

This board, without an act of the Legislature or direction from the Governor, has recently contracted to construct a home at Lakeland for the superintendent, Dr. Jillson, to cost eight or nine thousand dollars, which this committee thinks is exceeding the authority granted them under the law, for if they can build a home for the superintendent they could with equal right put up a new asylum or hospital that would cost a half million dollars without any act of the Legislature authorizing it; and the Legislature can see just what would be the result of such action upon the State's finances.

This board took charge of the charitable and penal institutions of the State of Kentucky in March, 1920, and the expense of managing the institutions for 1920 and 1921, with prices lower than they were in 1918 and 1919, has been more than half a million dollars above the expense of 1918 and 1919, or an increase of a quarter of a million dollars annually, as shown by the statement made a part of this report attached hereto, to-wit:

BOARD OF CONTROL.

1917-19	Penitentiary	$360,647.21
1917-19	C. S. H.	757,175.78
1917-19	E. S. H.	580,411.94
1917-19	W. S. H.	578,972.70
1917-19	H. of R.	379,181.94
1917-19	F. M. I.	188,611.98
1917-19	Reformatory	731,415.79
		$3,576,417.32

BOARD OF CHARITIES AND CORRECTIONS.

1919-21	Penitentiary	$324,054.22
1919-21	C. S. H.	844,353.55
1919-21	E. S. H.	664,011.05
1919-21	W. S. H.	681,621.39
1919-21	H. of R.	462,013.05
1919-21	F. M. I.	290,192.59
1919-21	Reformatory	784,129.76
1-1-19—10-27-20	Reformatory	28,302.29
	Total	$4,078,677.90
	Excess for two years	$502,260.58

Until about 1916 the penitentiaries of the State were not only self-sustaining but showed an annual profit of from fifty to one hundred thousand dollars a year profit; but for the fiscal year 1920-1921 the Reformatory at Frankfort showed a loss of $230,000, and for the last six months of 1921 it showed a loss of $137,000.

All of this, as well as every fact herein was obtained from the testimony of Mr. Tachau and Mr. Byers.

We find, as stated above, that the management of these institutions is practically left to Mr. Byers, the commissioner, who draws a salary of five thousand dollars a year and who

makes from two to four trips to Louisville a week, always at the expense of the State, sometimes in automobiles, but if he rides on a train always in a chair car, with Pullman and meals always charged to the State, with the expense of a friend or any one that may be with him likewise charged to the State, and with the custom of whenever he is late at the institution or at his office of going up town and charging his meal to the State, or eating with the warden, Mr. Bastin, at the State's expense.

This committee regrets that they were unable to make an exhaustive report, because this work has been done when not engaged in legislative duties, and they were unable to make their report in time for action to be taken on it by the Legislature other than to receive it. This committee suggests, however, that the State Board of Charities and Corrections should at once dispense with the services of Mr. J. P. Byers and secure the services of some Kentuckian who knows Kentuckians and Kentucky's needs and who is interested in the State and its development, and who would accept the position not for the salary and all the emoluments connected therewith but with a desire to relieve the situation in Kentucky as it now exists.

Members of the committee have for years been familiar with the State penal institutions, and they know of their own knowledge that no improvement has been made, but, on the contrary, that the discipline is much worse on account of the fact that the guards in the Frankfort Reformatory are not permitted to carry weapons to defend themselves and prevent escapes; and this committee believes that that custom is largely the cause of the escapes and of the bad discipline.

The committee called Dr. Milton Board, who for years has been connected with the charitable institutions of the State, and he testified that the standard at Lakeland is no better than it was ten years ago.

The board, through Mr. Byers, has made the mistake

of employing non-residents of the State of Kentucky to run the institutions, and we are informed that in one instance they have almost depopulated a village in Indiana by taking the residents to work in the institutions of the State of Kentucky, while Kentuckians of qualification and repute are out of employment and begging for jobs.

This committee recommends that the next Legislature curtail the number of the members of the board and circumscribe their authority and curtail the power of the commissioner; in fact, should take back into the hands of the Legislature the real power to manage and control these institutions and say what improvements should be made and when and of what character.

We feel that this board has been guilty of gross mismanagement, as set out by the various items herein, and while they are good men and good women, as the committee believes, actuated by the noblest impulses, yet to obtain an end they seem just as willing to pay five thousand dollars for services that they could get for five hundred, giving as an answer that they were thereby doing great good, and as a result of this attitude of mind they have spent many a dollar that was an absolute waste and without obtaining any results other than would be obtained if they had used good judgment and economy.

We believe that they have especially adopted the wrong policy in connection with the penal institutions, for we believe that they should be institutions of punishment to deter the commission of crime rather than institutions of entertainment to invite inmates.

They have also been too generous with their power of granting paroles, and many paroles have been granted just upon the recommendation of one member of the board and without a full and a fair hearing from the entire board.

This committee attaches hereto a statement of the expenses incurred in connection with this investigation, and asks that they be discharged.

CHAS. A. NELSON
Chairman
G. L. DUNN
Member
OSCAR VEST
Member
H. P. ATWOOD
Member
T. R. WELCH
Member

This, the tenth day of March, 1922.

Expenses incurred by the joint committee of the House and Senate of the Kentucky Legislature appointed to investigate the penal and charitable institutions of the State:

Stenographer	$420.50
Accountant	370.00
Telephone	.65
Telegram	.82
Witness	20.00
Total	$811.99

O. K.

CHAS. A. NELSON,
Chairman Committee.

March tenth, 1922.

IN RE INVESTIGATION STATE BOARD OF CHARITIES AND CORRECTIONS.

By Joint Legislative Committee.

Evidence given before the joint committee from the House and Senate of the State of Kentucky, appointed by

the General Assembly of 1922 to investigate the functioning of the State Board of Charities and Corrections and to investigate the management and condition of the institutions under the control and jurisdiction of said board.

The opening session was held in the Senate chamber at Frankfort, Kentucky, on Friday night, February 10, 1922, at 7:30. A stenographer was appointed by the committee to take down the evidence, who was first duly sworn to record and later typewrite fully and accurately all the evidence given during the proceedings.

Mr. E. S. Tachau, chairman of the Board of Charities and Corrections, the first witness called, after being first duly sworn, in answer to questions, testified as follows:

QUESTIONS BY MR. DRURY, AS SPOKESMAN FOR THE COMMITTEE.

1. Mr. Tachau, where do you live?

A. I live in Louisville, Kentucky.

2. How old are you, Mr. Tachau?

A. Fifty-five years old.

3. What is your business or profession?

A. I am in the insurance business.

4. How long have you lived in Louisville?

A. All my life.

5. What connection, if any, have you with the State Board of Charities and Corrections of the State of Kentucky?

A. A member of that board and chairman.

6. When were you appointed as a member of that board?

A. Was appointed first in March, 1920—March 17th. I drew the one-year term; was re-appointed in March, 1921.

7. You first qualified, then, in March, 1920, and drew a one-year term, and were re-appointed for how long?

A. Four years.

8. Then you have been connected continuously with the board since March, 1920?

A. Yes, sir.

9. How long have you been chairman of the board?

A. I don't remember the date; Mr. Edward W. Hines was the original chairman of the board; he died and I was selected as acting chairman for several months before I was selected as regular chairman, but I don't recall the exact date that I was selected as regular chairman.

10. When did you qualify as a member of this board?

A. The first meeting after my appointment.

11. When was that meeting?

A. I think in March, 1920.

12. How many of the members were present at that time—at the time of the first meeting?

A. I don't recall; my recollection is that all of the members of the board were present, but I could not say positively.

13. Where was this meeting held?

A. At Frankfort, in the office of the board in this building.

14. How long was the board in session at that time?

A. I think nearly all day.

15. Did you visit any of the institutions while here?

A. On that date, no, sir.

16. How often has the board met since that time?

A. I can't answer that, of course, but I know that in the beginning, for possibly a year or so, we met twice a month.

17. Did you always meet here?

A. No; we met here at times, and then we would alternate by meeting at the different institutions.

18. For at least a year you think that you met as much as twice a month?

A. That is my recollection.

19. Did you cover all the institutions in the first year?

A. Yes, sir.

20. Did all the members of the board attend these meetings?

A. I think we always had a very good membership there.

21. How often have your meetings been held since your re-appointment in March, 1921?

A. I think twice a month and once a month; I presume the Minutes show that definitely; I can't recall all those dates.

22. Have you attended all of these meetings?

A. I don't think I have ever missed a meeting.

23. How long would these meetings last?

A. From ten in the morning until four or five in the afternoon; a part of the time we didn't go to lunch; had sandwiches sent in.

24. Whom did you employ as the managing head or Commissioner of Public Instructions?

A. Joseph P. Byers.

25. When did you employ him?

A. Early in March, 1920.

26. Just after your qualification?

A. Yes, sir; I think that was the first organization of the State Board of Charities.

27. Just what authority did you give to him in the management of these institutions?

A. That granted by law.

28. How soon after his appointment did he take charge?

A. Immediately.

29. Where was he employed at the time you employed him?

A. Just previous to the time that we employed him he was employed by the National Committee on Provisions for the Feeble-Minded, with headquarters in Philadelphia. During the progress of the war they disbanded, I think, and Mr. Byers went to Florida at that time on a vacation.

30. Then he was living in Florida?

A. No, on a vacation.

31. He began work just immediately after employment?

A. Yes, sir.

32. Do you know the exact date he took charge?

A. I think the very date on which the board organized.

33. Isn't it a fact that you employed him on March 23, 1921?

A. I can't recall the date of the month.

34. He was employed, the Minutes show, on March 23, 1920, with the appointment effective and the salary effective and beginning March 19, 1920? Why did you pay him four days before he was actually employed?

A. Because he had given possibly a month or two without any salary at all.

35. Your board was not appointed until March 17th, was it?

A. In the drafting of this law Mr. Byers was sent for and he helped to draft the law; gave a lot of time to it before that time.

36. What date did the law go into effect, do you know?

A. I think in March at the first organization; but the old Board of Control resigned and a number of the members of the present board were appointed in the place of the old Board of Control.

37. Were any members of the old Board of Control reappointed?

A. No, sir. Mr. Hines, Mr. Sackett, Dr. Ganfield, Mrs. Riker and one other member, that is, Edward B. Hines; those five were appointed to take the place of the old Board of Control until the new law went into effect in March. Then I think Miss Lucy Simms and I were appointed and Mr. Barrett to take the places provided for on the State Board of Charities.

38. To refresh your recollection, wasn't this law approved March 9, 1920?

A. I don't recall the date.

39. Was the reason that you started his salary March 19,

when he was not employed until March 23rd, was it, you take it, to compensate him for services previous to that time?

A. I don't know that that was spoken of, but it was in the minds of the board.

40. What salary did you pay him?

A. $4,200.0.

41. How long did you continue paying him at that rate?

A. I think a year, possibly more. You must remember, Mr. Drury, that you are asking me for a lot of dates that are not in my mind; they are all in the Minutes.

42. What salary is he drawing at the present time?

A. Five thousand.

43. When did that begin, as best your recollection serves you?

A. About the beginning of his second year.

44. Do you know the number of the employes that were on the pay-roll at the institution here in the city of Frankfort, the State Reformatory, at the time he took charge?

A. No, sir.

45. Do you know the number of employes there now?

A. I do not.

46. Do you know anything about the monthly pay-roll that was being paid at the time your board took charge?

A. No, but I think you will find all that in the report of the former State Board of Control.

47. How many more employes did you put on the pay-roll after that time?

A. I haven't any idea.

48. Have you ever examined the books to see how many more were put on?

A. No; we have our financial statements and know the cost; haven't those all in our heads, but we can produce our expense sheets and cost sheets, if necessary.

49. Do you know whether or not there was any increase

in salaries from the time that you took charge up to the present time?

A. Yes, sir; there were

50. How much increase

A. I don't know.

51. Give an idea!

A. Can't give you any idea of it.

52. Did you ever look into the books to see what that increase was?

A. We had the financial statements before us every month.

53. Did those financial statements show to you whether or not it was being increased or decreased?

A. Yes, sir.

54. What did they show?

A. I think you will find that the salaries at all the institutions have been increased.

55. Between 1920 and the present time?

A. Yes, sir.

56. The war was over, wasn't it?

A. No, sir; it was over but employment—the ability to get men was very, very scarce. It isn't a question, Mr. Drury, of the war being over. It was a question of the personnel that we were trying to put into these institutions.

57. Wasn't the number of employes increased as well as the salaries?

A. Possibly so.

58. In the last year as prices have begun to go down, what curtailments have you made in the expenses of salaries of employes?

A. We have not made any; when you come to experts in the various lines, the salaries that we are paying, if you will look up the salaries in other States, both in penal and charitable institutions, you will see that Kentucky is paying less. Then in addition to that we have had the greatest

trouble in getting the right kind of employes on account of the poor accommodations we have for them.

59. From where did you get these employes?

A. Which employes?

60. The employes in the institutions.

A. The board employs the people in its office. It employs the receivers in the institutions. It employs parole agents and the experts for the examination and investigation of the pauper idiots, as the law provides we must do, and we employ the commissioner. Those are the people that the board employs. The superintendents are nominated by the commissioner and the board can approve or disapprove as it sees fit. All other employes, under the law, must be employed by the superintendents of the institutions. Under the law the board cannot even make a suggestion for the employment of the people under the superintendents. After we approve the commissioner's nomination, if we do approve it, the superintendent is then held responsible for his institution. He employs and discharges, and the law provides, as I said, that we cannot even nominate to the superintendent his employes or suggest, the whole idea of the law being—(Interrupted by question).

61. What kind of trouble did you have in getting help?

A. All kinds. I think if you will call the superintendents of the different institutions and let them bring their files, they will convince you readily that it is hard to get men at the salaries paid, both physicians in the Insane Hospitals and the experts in different lines.

62. Do you know what salaries are paid to the wardens or superintendents of the various institutions, asylums, penitentiaries, etc.?

A. The superintendent of the Insane Hospitals gets $3,600; the warden at Frankfort gets $3,600; the superintendent of the Feeble-Minded Institute gets $3,600; the warden at Eddyville gets 3,000, or $3,600.

63. Do they get anything in addition to their salaries?

A. They get their keep—residence and maintenance.

64. Servants all furnished?

A. They are the inmates of the institution.

65. Do you know what these various officers got under the old board?

A. I think the superintendents got about $2,000 a year and their keep.

66. To refresh your memory, did the warden get that?

A. I think so.

67. Isn't it a fact that the warden only got $2,000 a year and residence?

A. I don't know what was done by the old board.

68. Do you know whether or not the Reformatory or Penitentiary here at Frankfort was self-sustaining here in 1921?

A. I think not.

69. Do you know how much loss on the institution—just from your recollection—as near as you possibly can?

A. I think the income was about $270,000 and I think the expense of running was $360,000. I am not certain of that, however. I can give you the exact figures, if you want them.

70. I believe I will refresh your recollection for the fiscal year ending June 30, 1921. What was the total expense of the institution during that year?

A. On the Frankfort Reformatory?

71. Yes.

A. May I give it to you this way (indicating report)?

72. Anyway it is convenient to you.

A. Total receipts from the 1618 men at the Reformatory employed on the contracts was $204,926.57—there were 248 at Eddyville; total receipts for their labor was $116,636.41. In addition to that we collected for prisoners on the road camp $70,688, which is to be added to those receipts,

making about $186,000. There is a balance due the board, I think, of $9,666.50 from the road camp which has not been paid to us which should also be added, but you must remember that the expenses over the receipts from the road camps was $13,814.61.

73. What was the total expenditure of the Reformatory?

A. The total expenditure, including $94,000 which I have read to you, was $427,177.39.

74. What was the deficit?

A. The difference between those figures.

75. Made a loss of something about $230,000?

A. The difference those figures show.

76. Wasn't that a very alarming state of affairs in view of the fact that in the past they had made a profit of several hundred thousand dollars?

A. That was several years ago. You must take this into consideration: April, May, June and July we had at the Rockcastle road camp 30-50 men; at the Harlan camp 40-75; at the Bath camp 20 men; at the Henry county camp 25-45; at the Owen camp 25; at the Pike camp 20 men; at the Cumberland camp 20 men; at the Metcalfe camp 25-40 men. You must remember that men being requisitioned by the Road Department, which they had a right to do under the law, coming in and closing up a requisition they gave meant an unstable labor in the institution. They were taken off of their work and sent back and so, and in addition to that there was an unsatisfactory condition at the Reformatory. We have had four wardens there in the last two years—at the Frankfort Reformatory.

77. Four wardens?

A. Yes, sir.

78. What was the occasion?

A. Mr. Phythian was there. The board replaced him with Mr. Davis and replaced Mr. Davis with Mr. Moyer and replaced Mr. Moyer with Mr. Bastin.

79. When Mr. Phythian was there and Mr. Davis was there did they occupy the residence set apart for the warden?

A. I don't know.

80. Do you know when Mr. Moyer began work there?

A. I take it that he came along about September or October of 1920.

81. Why was Mr. Phythian unsatisfactory?

A. I don't know; before my time on the board.

82. Why was Mr. Davis unsatisfactory?

A. Mr. Davis was unsatisfactory because—I don't think that Mr. Davis had gotten the spirit of this board. The board employed Mr. Davis as they employed every other superintendent in the institutions on the basis that they were to be one hundred per cent out of politics. The people were to be given positions and kept there on the basis of work performed and merit. Mr. Davis didn't get that spirit and he had not been there but a short time before he discharged every Democrat at the Reformatory and replaced them with new men. Republicans who knew nothing practically about the work. We felt that that was contrary to his instructions and that he did not have the spirit of the board.

83. Wasn't Mr. Phythian removed on account of politics?

A. I don't know; he was under the old Board of Control. He was removed—(Answer cut short by new question).

84. Wasn't his resignation asked for by this board?

A. No, sir; he was out when we went into being.

85. I believe you said Mr. Moyer went in in September, 1920?

A. Yes, sir.

86. How long did he stay with the institution?

A. I think he stayed for seven months.

87. Why was he disposed of?

A. He came to us on a leave of absence from the Pres-

byterian Board of Temperance and Morals; came in to fill the emergency caused by Mr. Davis' resignation.

88. Then he was there only temporarily?

A. Yes, so far as he was concerned.

89. Where did he go from here?

A. When he left here after seven months he went back to his old work, having been on leave of absence from them during that time.

90. Mr. Moyer, then, wasn't employed permanently when you employed him?

A. The Minutes show that he was made warden, but the board knew he was here only on a leave of absence.

91. Do you know anything about this bill of four thousand dollars or more made by Mr. Moyer when he came in, at R. Rogers & Sons.

A. Yes, sir.

92. Did you know about its having been made at the time?

A. The board adopted this principle, that all the furnishings in the buildings in the institutions should be owned by the board. We did that not only at the Reformatory, we did it at Greendale, and in Mr. Chilton's case down at Eddyville, we bought all of the furniture that he had except that in his own rooms. Mr. Chilton boarded the guards down there in the institution. We had the furniture appraised by what was supposed to be reputable people and all that furniture was bought from him. He also owned some chickens and some cows. We bought all of those things so there would be no question as to who it belonged to when they left.

93. Any authority under the law for that action?

A. I think so; don't think they would have done so without authority.

94. Didn't the Auditor of Public Accounts refuse to pay that account of over four thousand dollars?

A. No, sir.

95. Who paid it?

A. Paid out of funds at the Reformatory.

6. Don't you know that it was sent to the Auditor and he refused to pay it?

A. I don't think it ever was. I think the Auditor criticized the fact that this bill did not come to him for payment but was paid out of petty cash fund, not a petty cash fund but really a considerable fund that had always been kept at the different institutions. My recollection is that we saved something like 15 per cent on that bill by paying cash for it with money that we had on hand at the institution. You asked about the—(Question interrupted).

97. The old salary of the warden was $2,000 and house furnished and nothing more, and when you came in you increased it from $2,000 to $3,600, bought $4,000 worth of furniture and gave him maintenance; that is, furnished him with groceries necessary for his living expenses, did you not?

A. Yes, and the policy of the board, Mr. Drury, was not to see how cheap they could get men but to get the right men for the positions.

98. Do you think that you have gotten any better men than those there before?

A. I don't know anything about the men there before, but the board was endeavoring to get the right men to run the institutions in what we thought was the right way and what we thought was right under the law.

99. Do you know anyhing about the balance sheet of the Eddyville Penitentiary June 30, 1921, as to what showing it made?

A. The State Penitentiary expenses were $136,042.76.

100. What were these expenses?

A. Cost of operation. The receipts from the State Penitentiary were $55,759.35.

101. What was the deficit?

A. Difference between those two items.

102. How many inmates there?

A. 248 daily average.

103. All employed?

A. No, no.

104. How many inmates employed, average?

A. I don't know without looking it up.

105. Mr. Tachau, would you object to filing that sheet as a matter of record?

A. Yes; we will have copies made of that; we will file anything that you need. There were 373 at the Eddyville Penitentiary during 1920-21, less than an average of 45 that were on the road camps. That makes about 328 average.

106. Mr. Tachau, I see here a bill of $423.75, entertaining Mr. Moyer at the Frankfort Hotel. Do you know anything about that bill?

A. That was not for entertaining him. It was for boarding him there. He was here and Mr. Davis was still occupying the house.

107. Did you know of the bill at that time?

A. Yes, sir.

108. Did you know what expenses, if any, you paid for Mr. Moyer to come down here on a visit?

A. He was not on a visit—he was seeking employment.

109. When you sent for him, then?

A. He was sent for instead of a larger number going to see him. I don't know what that amount was. The board told him to come down at their expense. Mr. Moyer never sought this position.

110. Was that a custom or the exception when you desired to employ any one, to pay his expenses here?

A. If we wanted to make up our minds whether to employ him or not. He was not seeking the position. We were seeking the man.

111. Did you have any one else come here to confer about this position?

A. Nobody, I think, from out of the State. I recall one or two people in the State whom we had come up from Louisville to discuss the question.

112. For the Reformatory?

A. Yes, sir.

113. You say Mr. Moyer worked here about seven months? And then left of his own volition?

A. Yes, sir.

114. Do you know anything about the number of escapes that were had from the prison during 1921?

A. They are on record also.

115. You spoke now of the year 1920-21. From July 31, 1920, to July 31, 1921, there escaped from the inside of the walls 27. This is from March 9, 1920, to December 31, 1921. The number that escaped from the walls was 27; of those 19 were captured and there are still at large 8; escaped from the road camps 94; returned 61, and 33 still at large of those who escaped from road camps. Isn't that an unusually large number of escapes?

A. I don't know just how that compares with former years but of course road camps furnish a very large number. There are no stockades around these camps and almost impossible to keep them from escaping.

116. I mean from the inside?

A. It may or may not be; guess it is more than average.

117. Have you now a larger or smaller number of guards than when you went in?

A. I don't know, but I know that they had a lot of green guards.

118. Did you issue any order there about whether or not these guards should carry weapons to protect themselves and prevent the escape of these prisoners?

A. I think Mr. Moyer, when he went in there, took the firearms from the guards.

119. Don't you think that naturally occasioned more escapes?

A. No guard assaulted in any escape. Our idea was that a man carrying a pistol in the institution could almost any time be assaulted and his pistol taken away from him and used in making an escape. The board felt that it was more dangerous for a guard to carry pistols inside the walls than if they did not have them, and I think you will find that that is the modern thought in all institutions today.

120. What hindrance would there be to a prisoner escaping when he knew there was no way to stop him?

A. Always men on the walls and at the gates armed. The guards carried a stick or club.

121. Do they carry weapons at either institution at the present time?

A. No, sir.

122. How do the escapes at Eddyville compare with the escapes at Frankfort?

A. I have no data here, Mr. Drury, on that.

123. Mr. Tachau, I will ask you if on the last year of the old board there was a single escape?

A. I can't answer it.

124. Did not the alarming number of escapes cause you to investigate that to see whether or not——?

A. We thought we knew why. It was on account of the totally disorganized condition of the Reformatory.

125. I thought you had gotten it organized under this new manner of handling? You were paying the help more and had more of them. Why were they not organized?

A. I said earlier in my testimony that during Mr. Davis' regime as warden practically every old man there had been discharged.

126. How many old men did you bring back after you disposed of Mr. Davis?

A. I think Mr. Moyer employed such of the old men,

whether they were Republicans or Democrats, as came to him with the right kind of recommendations; how many, I don't know.

127. Do you think the discipline at the prisons now is as good as it was formerly under the old Board of Control?

A. At the Frankfort Reformatory?

128. Yes, sir.

A. I expect it is better than it has been in its history?

129. How do you account for the larger number of escapes?

A. Haven't been so many under Mr. Bastin.

130. How do you account for the great falling off in revenue as compared with formerly?

A. Disorganized condition and requisition for road camps make labor inexperienced; disorganized institution and unstability of labor.

131. Did you use any from Eddyville on road camps?

A. Yes, sir.

132. Where did you use them?

A. Forty-five men from Eddyville were used on the road camps; just what camps, I don't know.

133. I am naturally interested to see that there wasn't a road camp in Western Kentucky. I live there and am of course interested. Can you tell why that was?

A. I presume because the counties made no requisition for them; didn't want them. The whole authority is in the Road Commission. We are under the State law compelled to furnish them by requisition. We tried and succeed in working with the road camps to use a minimum of forty men in a road camp on account of the great expense of transportation and maintaining the small camp. We had nothing to do with that, and so far as we are concerned we would just as soon see the road camps discontinued.

134. These men that you work on the road camps and

on the farm—I believe you had more escapes there than you did anywhere, did you not?

A. Yes, sir.

135. Did you have any complaint from the citizens of Frankfort about the number of escapes of prisoners?

A. I think that you people ought to know of the handicaps that Mr. Moyer worked under in the city of Frankfort. He came here, as I told you, a prison man of considerable reputation, and the annoyances and handicaps that were thrown in his way by the people of Frankfort of both political parties, I should think would have made it almost impossible for anybody to have gotten the right kind of an organization here.

136. Did the citizens of Frankfort throw anything—any annoyance—in the way of any other warden that came here?

A. Mr. Moyer was from outside of the State. Think possibly the people resented it.

137. Really, don't you think that was a mistake?

A. I don't, Mr. Drury. It is the purpose of this board to give preference to the people of this State wherever it is possible to give it to them; but the board feels at liberty to give the very best possible care of the inmates of all the institutions, no matter where they have to bring their men from. You might just as well say that it is a mistake to bring a man as President of the University from outside the State or Superintendent of the Louisville Public Schools. The trouble in Kentucky had been this: The institutions had run down, as everybody knew. Some of you knew it as I did, from general reputation. Superintendents changed with every political change. They were distinctly in politics and the State of Kentucky had not trained any people for this kind of work. Now that is an important job. You ask me if it is a mistake. When Mr. Moyer resigned and went back to his job, it was put up to the board to get another man. They cast

around the State. They interviewed any number of men that were spoken of as outstanding men in the community. We selected Mr. Bastin as the superintendent of this Frankfort Reformatory. Mr. Bastin is making good. Outside of the fact that Mr. Byers lived ——. (Interrupted.)

138. Isn't Mr. Bastin a Kentuckian?

A. Yes, sir.

139. It is not the idea that I just simply want jobs for Kentuckians, but don't you know that a Kentuckian can handle a Kentuckian, can control a Kentuckian better than any other man?

A. I can't see that at all.

140. Hasn't your experience shown that?

A. No. Mr. Bastin is a man who had had a college training at the University of Kentucky; also at Purdue. He was a wide-awake and up and coming man. And Mr. Bastin is, as I said before, making good, but he will tell you, if you will ask him, as he told me voluntarily some time ago, and as a statement that I made some time ago to the Committee on Charities and Feeble-Minded Institutions, he said that he could not have made good if Mr. Byers had not lived right here in Frankfort where he could give him daily advice from his large experience.

141. He is making good and had no experience before that time?

A. No, no experience.

142. Do you remember Mr. E. E. Mudd?

A. Have heard about him.

143. Do you know anything about him?

A. Have heard about him; don't know anything about him.

144. You said that the institution had been in politics. Would you say it would be better for an institution to be in politics if when you cast up you had a profit on the side of the ledger; you had discipline; you had no escapes; you had no

criticism from the citizens of Frankfort, would not that be a good thing as it was formerly when in politics?

A. No. I think, Mr. Drury, we ought to understand each other on this point. The Legislature made an appropriation for the conduct of these institutions under the State Board of Charities and Corrections. That board lived within the appropriation made by the Legislature, and this board is not figuring everything from a dollar and cents standpoint. That applies more, of course, to the charitable institutions than it will to the penal institutions. We are trying to give the proper care to them.

145. Do you know that 40.8% of the Frankfort Reformatory inmates had syphilis?

A. I understand that is true. Trachoma there, too; trouble with the teeth, eyes and everything else that had been neglected for a great many years; all of which cost money to clean up. I think it was a good thing; money well spent.

146. Hadn't they been treated for syphilis before?

A. No, sir; I have this from our medical advisory committee in Louisville, of which Dr. Irvine Abel is chairman. Dr. George H. Day, a specialist and an outstanding one on venereal diseases, Dr. Sidney Myers, Dr. Stuart Graves and several others of our most prominent physicians are members. They volunteered their services to the board and institutions just as we volunteered our services. I have it from Dr. Day that when he came up and suggested that infection was carried out through the State from men going out from the institution with diseases and volunteered to clean it, just come in and clean it all up, he was absolutely refused admission and he was not allowed to come in. So far as I know, I don't believe any attempt had ever been made to clean it up.

147. You spoke of their having syphilis. Did they contract it before or after they came there?

A. Must have contracted it before. Today we have cleaned up every old case of syphilis in the institution. Now

men are examined and given the Wasserman the minute they come into the institution.

148. Who gives that?

A. The physician in charge.

149. Don't you think the account you paid there of something over five thousand dollars in a little over two months, don't you think that was a mighty good price to pay him, in view of the fact that the State feels that it should economize, where the State furnished all the expenses for the materials used, isn't that quite a salary?

A. It is cheaper than we could have had it done any other way until we finally succeeded in getting a man.

150. With all of those physicians on the staff who could give that treatment?

A. We tried it with our own physician down there.

151. Wasn't your regular physician competent to give it?

A. No, sir; proved it in a number of cases.

152. Wasn't it done by a local physician here?

A. By Dr. Roemele.

153. Is he any more of an expert?

A. Yes, sir; before that we had men come to us with arms all swollen up where the salvarsan had missed the veins.

154. And you don't think that that item of five thousand dollars for two months' time was an unusually large bill?

A. The time has nothing to do with it. It was determined by the number of men treated.

155. Why should you just dump a large sum of money on expenses like this at one time?

A. We didn't dump a large sum. There were a certain number of treatments given at so much per treatment.

156. From the first to the last it wasn't 75 days, was it?

A. I don't know. After the treatment is given if they still show positive, it is given over again. Our records and our bills will show how much time and how many treatments

were given. We have some pretty good business men on our board, and none of them felt that it was money badly spent. They felt that it was absolutely necessary that it be done at once before they were sent out through the State.

157. Who made the Wasserman test?

A. Made at Lexington.

158. Who made it?

A. I don't know the name of the man.

159. What was the charge for that?

A. I don't know that there was any charge for that; think it was done in the State laboratory.

160. And that didn't cost anything?

A. I think not.

161. Who got the specimens of blood?

A. I presume Dr. Roemele did. I wasn't there at the time.

162. Didn't Dr. Roemele agree to give the typhoid treatment there for fifty cents an individual?

A. I don't know about that. I might also add that I think the typhoid and the para-typhoid treatment has been given to every man in the institution. I know that trachoma has been cleaned up in the institution.

163. I see here the expense account for the last month of the old board here in Frankfort, November, 1919, just one year after the close of the war and right at the peak of prices, that the expenses for office salaries was $1,975; for December, 1921, under this management it was $2,936.66, or an excess of $969.66.

A. You are speaking of our office here?

164. Yes, sir.

A. I presume that is true; I don't know the figures.

165. That don't take into consideration the traveling expenses of the members of this board, which figures at a grand total of more than $1,500 per month than under the

Board of Control. Can you tell what occasioned that great increase in expenses?

A. Yes. I can't tell you in detail, but I will say this, that everything now heads up in the central office at Frankfort. The expenses, salary of parole agents, all charged to the office; four parole agents, three men and one woman. The salaries of the investigators of the pauper idiots are charged to the office. All inventories are now headed up in the office, and for the first time I guess in the history of the State you can get down to the percentage of one dollar what every item of expense in the institution costs. We not only have the expense sheet but we have the cost of operation of every institution in the State. If there has ever been anything of that kind there before, we have not been able to find it. We think that it is economy for us to spend money in that way when large amounts of money can be saved in the institutions themselves. Now, in addition to that, we—— (Interrupted by Mr. Drury).

166. That is very nice information, but when it brings the institution out in debt, what benefit is it?

A. What institution?

167. This institution, the office here. Have you been able to make a saving for the other institutions of the State? Has there been a curtailment of their office expenses, have they been cut by reason of the fact that you are doing a greater amount of the work here?

A. I want to say before answering that question that we have heard rumors of the great extravangance of this board. The only way that we believe these rumors could have been started is through the report of Mr. James, State Inspector and Examiner. He showed in his report that in the year 1919 the institutions cost, all of them, each of them, $195.00 per year per capita, and he makes a note at the bottom that the Legislature was called on to pay a deficit of $207,000. It was on the strength of Mr. James' report, I think, that the budget

committee made us our allowance. We have been before the budget committee a number of times since then and we have convinced them that their budget allowance was made under a misapprehension of the fact, to the end that the Governor has written a letter to the budget committee asking for an increase commensurate with the needs. I think the only way this report could have gotten out is through the report of the State Examiner, Mr. Henry James.

168. Have you ever read it?

A. Yes, sir; a number of times. I am making criticism of it now. I think the basis of all the rumors going around now is based on that report. I would like to give you a per capita statement of the cost of running each institution for the last three years.

169. Go ahead, Mr. Tachau. Submit any figures you have.

A. In the year 1918-19, based on the report of the State Board of Control, the per capita cost at the Eastern State Hospital was $229.19; in 1919-20 the per capita cost was $259.02; in 120-21 it was $223.52; that is under the present board.

The per capita cost of the Central State Hospital in 1918-19 was $298.85 (statement filed shows $246.53); in 1919-20 it was $246.12, and in 1920-21 it was $252.16; six dollars per capita more than in 1919 and 1920 and forty-six dollars per capita lower than in 1918-1919.

The per capita cost at the Western State Hospital in 1918-19 was $255.81; (statement filed shows $216.22); in 1919-20 it was $262.73. Under the present board it was $244.88.

The per capita cost of the Feeble-Minded Institute in 1918-19 was $302.77 (statement filed shows $286.51); in 1919-20 it was $299.66, and was $398.62 under this present board, and we have no apologies to make for it, because if there was ever an institution in a rotten, run-down, disgraceful condition it was that institution here.

Houses of Reform at Greendale: 1918-19 the per capita cost was $407.19; in 1919-20 it was $516.61, and in 1920-21 it was $478.72.

The State Reformatory at Frankfort: the per capita cost in 1918-19 was $305.35; in 1919-20 it was $293.08; under the present board, in 1920-21 it was $387.99, from which must be deducted from the total $94,168.07 on account of road camp expenses.

State Penitentiary at Eddyville: the per capita cost in 1918-19 was $264.95; in 1919-20 it was $382.08, and in 1920-21 under this board it was $364.73.

Aside from the Feeble-Minded Institute, the board per capita expenses, that is, the per capita expenses under this board, which has been charged with extravagance, is less than under the Board of Control in every case except the Feeble-Minded Institute, and to know what that means I think this committee should without any question visit the institutions and see for themselves the condition they are in today, or call on some of the women who have for the last several years and in the last several months frequently visited these institutions; call on them for their testimony as to the conditions today and decide then whether the money was well spent or not. (Stenographer's note: I have used Mr. Tachau's figures in the above statement, which do not check out with his filed statement in several instances; in one instance making his showing more favorable and in two instances, I believe, making the showing under the present board less favorable, the discrepancy evidently being due to mistake in reading from different statements. Bright.)

170. In 1919 flour was $17.00 a barrel and now $7.00; sugar 33 cents a pound and now 6 cents; bacon 40 cents a pound and now 18, and with that don't you think your showing ought to have been many, many times better?

A. I certainly think we have just as good business men on this board, and the board is responsible for every act not

only of itself but of the Commissioner of Public Institutions. We have spent out of this money that you see in that per capita statement, $141,000 for permanent improvements; that also includes a deficit from the old Board of Control that was carried over; we spent $74,000 for insurance that was taken on the old blanket insurance policies on pre-war basis. Consider that and then go and see the institutions and find out the conditions before and as it is today.

171. Why was that insurance cancelled?

A. I am glad you asked me that question. I would like to give an answer to it in detail. When we took hold of the insurance it was the desire of the board to take insurance out of any question of favoritism, so as to put it on the same basis as everything else. In checking up we found insurance of all kinds on the same institution. I have been in the insurance business for thirty years, and I could not tell how the insurance covered or what. The plan that was evolved was that we wanted to write all of our insurance on all of our property under a blanket policy to cover building and contents of all property belonging to the Commonwealth and the State Board of Charities and Corrections. If we did that we knew that we could not get the penal institutions on the three-year term in order to save a half year insurance. We did get the insurance people to take them out of the one-year and put them in the three-year class. That enabled us to place more insurance where it was needed. In order to do that we wrote to all of the stock companies doing fire insurance business in the State of Kentucky; told them we wanted to show no favoritism to anybody; told them to take their pro rata put at about five million total; before that we carried about two and a half million. We had all this property appraised by D. X. Murphy, because they had built most of the institutions and had the blue prints, so that their appraisal charges would be less than from anybody else. We wrote the insurance companies that we had five millions in insurance

to place and wanted them to take their pro rata, and wanted them to designate the local agent who should write the insurance, and stipulated that the commission on the business was to be divided among all the insurance agents of the State working for these companies; so that every agent in the State and every company in the State shared equally in the distribution of the insurance of this board.

Under the old plan certain agents who were better acquainted or had influence or pull had the greater amount of the insurance. Under this plan each company took $45,000 of insurance, which necessitated the cancellation of the old insurance on a pro rata basis, so that the State lost nothing except where one company had more than $45,000 which was rare. On penal institutions we got a pro rata for two and a half years instead of three years. It is out of politics just as everything else is now connected with the board.

172. You paid Mr. Murphy for that, I believe, $1,079.79?

A. Yes, sir. Mr. James said that was extravagance; said insurance companies make their own appraisals. That isn't true.

To show you what this expenditure of a thousand dollars meant, we had a dairy barn burn down at the institution, at the Feeble-Minded Institution. The records show that it cost $5,100 to build it. Under the appraisal we collected $10,000 for this dairy barn which had cost $5,100 and which had been there I don't know how many years. I think that any business man would say that that was good business—except the Examiner.

173. Did the insurance companies accept the appraisal of Mr. Murphy?

A. They never accept that as a part of the contract.

174. They paid us on the basis of Mr. Murphy's appraisal?

A. No, sir; the appraisal was gotten for our information, for the purpose of knowing how much insurance we should carry. The appraisal was filed with the Bureau of

Louisville, the Acturial Bureau, in order to figure out an average rate, so that we could cover this insurance in a blanket contract. The insurance companies never accept other's appraisals. The American Appraisals Company of Milwaukee, make that their business.

175. Did they go over that property previous to the taking out of the insurance?

A. No, sir.

176. Then they took Murphy's appraisal?

A. No, sir.

177. Did they issue that insurance without any inspection?

A. The State Board said that it had five million dollars of insurance to place; here's Murphy's figures. You know you have to prove the value of your loss when you collect.

178. Didn't the insurance company send any one here to look over and check up the appraisal of Murphy

A. No, sir. Not on Murphy's appraisal but on our saying we had that much insurance. The appraisal of Mr. Murphy, so far as we were concerned, was to show the total amount we needed to carry.

179. I see here that you employ an estimate clerk. What is he?

A. He is the man who, in addition to other duties in the office, sends out all the bids on the materials we buy; sends them broadcast to the vast number of buyers who are bidding on our supplies.

180. Did they ever have an estimate clerk before?

A. I think not; think they had a financial secretary before.

181. I see you have a dietitian who is paid $150.00 a month. Isn't it a fact that you are having more cases of pellagra than before?

A. No, sir.

182. Don't Mr. James' report show it?

A. I didn't see where it spoke of any case of pellagra at all.

183. So you have not heard of a single case since then?

A. Whether there has been any pellagra or not, anybody knows that when they are given properly balanced rations of food it is not going to give them pellagra. That is what we are doing in all our institutions. She is also figuring out proportions and stopping waste, and they are getting better food.

184. How many parole agents have you?

A. Four.

185. How many under the old board?

A. Two.

186. Why was the number increased?

A. Because our system of parole is entirely different from what it was before at any time. From all we can find the two parole agents that were kept out by the old board were sent out principally, almost solely, to bring in parole violators. Under the old system men would be paroled who had either money, influential friends or something of that kind which got them their paroles. This board has adopted an entirely new system of paroles, and that system is that every man in the institutions who is eligible for parole, down to the very lowliest one, has his chance just like every other one has his chance. It is a square deal to every man in the institution. When we took charge I think there were something over 300 men in the Frankfort Reformatory who had gone away beyond their parole periods. All of these men come before the board personally. They are allowed to state their own case, tell their own stories. The committee makes its investigation from the community they came from; from the prosecuting attorneys, prominent citizens, and where we can't get replies to our letters, we send out investigators to get the sentiment of people in that community.

This doesn't mean that all who come up are paroled, but that under the law they are entitled to parole consideration. They get that. No man is paroled until he is bodily clean, until he can read and write, if he is able to learn. We have feeble-minded men in the institutions who will never learn to read and write, of course. No man is paroled until he gets a job; until we make an investigation of where he is to sleep, where he will go to church, and the standing of the community where he goes. He can't give that job up without permission of the board. If things go wrong, we send the parole agent out. If the man's fault, he is brought back. If it is the fault of the man he is working for, the parole agent has authority to change the job. Every month he must send in a report and the employer must o. k. the report. Periodically the parole agents call on the men.

We haven't enough parole agents. It would be better if the law provided compulsory parole instead of turning them out free, so that a strong supervision could be kept on these men and they could keep their feet on the ground. The remarkable success of this board in its parole work is due to its very close supervision, and it is a very close contact that we have with the men. That is the reason I say we have not enough parole agents for the good of the men paroled and the good of society.

187. Have you not six parole agents?

A. No, sir.

188. What are the ladies?

A. The State is spending something like $150,000 per year for pauper idiots. They get $75.00 each per year. Under the law creating this board we were required to approve those pauper claims before they are paid. Formerly it was paid on an order of the county court. In order to approve these we must have experts to give the mental tests, and have had social experts in visiting the homes of these people to find out if they are feeble-minded and are being properly

treated and getting their $75 from the committee. I think that work is a most valuable work, and it is the only way that the board feels that it can o. k. these vouchers of $75 to the auditor. I believe the examiner says possibly that the parole agents could do that work. They are no more fitted to do that kind of work than they are to run a locomotive. It is an entirely distinct and separate work.

189. Where did these ladies come from?

A. Both came from the Feeble-Minded Institute at Vine Grove, N. J., where they had had years of experience with the feeble-minded. This institution is the best in the United States, I guess. You could not get a person of that kind in Kentucky.

190. What is the matter with Kentucky? Is she in that kind of shape?

A. Yes, sir.

191. Would not it be better if they should stay in politics if we had Kentuckians able to do the work and they stayed in politics and had a balance sheet at the end of the year?

A. No.

192. Mr. Bastin was in politics, wasn't he?

A. Yes, he was on the State Central Committee. The newspapers of the State made all kinds of a hullaboo about taking a man off the State Central Committee and putting him in charge here.

193. Mr. Bastin here and Mr. Chilton at Eddyville are both Kentuckians, one a Democrat and the other a Republican, are they not?

A. Yes, sir.

194. And there has been, in fact, practically no complaint from Eddyville?

A. Well, I would not say no complaint; some complaint.

195. Mr. Chilton and Mr. Bastin both seem to be very good men in their lines?

A. We were mighty lucky to put Mr. Bastin in there. But, as I said a little while ago, Mr. Bastin said that he could not have run this institution without Mr. Byers' assistance and advice almost daily.

196. About Mr. Moyer: you say Mr. Moyer was a good prison man?

A. Came with the very best recommendations. His record here was, I think, about as good as any man's with his handicaps.

197. What has been his record since leaving here?

A. I can only go by newspaper reports; that is, that he is too strict and too brutal. The complaint here was that he was too easy and too lenient. You can take your choice.

198. You said a while ago that paroles had been granted heretofore on account of politics and on account of financial influence. What proof have you of that or is that just a rumor like some criticism of your department?

A. If you will go down through the records of the institution and see the paroles you will find that almost every parole was applied for by some lawyer or somebody else with influence. I know that because the board never saw the man, never gave him a personal interview. I don't see how they could know anything about the man when the records show that no investigation was made, nor did they ever interview the man who was getting a parole.

199. How do you know that?

A. Everybody who was ever connected with the institutions will tell you that.

200. You think the record is far more than the interview with the prisoner, don't you, Mr. Tachau?

A. My dear sir, we not only get the record and have the personal interview, but we send out and make the investigation, and we are keeping a set of records which we have never kept before; that is why I asked you gentlemen to go down

and visit the institutions and let us show you how they are conducted.

201. I don't recall that I have ever been invited to come down.

A. I have written two communications to every member of the committee personally.

202. I have never received such a communication. You saw me here several times personally and never invited me down.

203. As soon as this committee was appointed I wrote to them telling them that all the records of the board and any information and assistance we could give them were at their disposition. A second letter was written inviting the members to and saying we hoped that they would visit all of the institutions and that we stood ready to take them around to these institutions.

204. Now, who does this paroling of the board?

A. It is done by committees appointed by the board.

205. How many in the committee?

A. On the Frankfort Reformatory, Judge Winn, Dr. Holley and myself.

206. Is that reviewed by the entire board or does that action determine the matter finally?

A. No. For the Eddyville Penitentiary, Mr. Henry Barrett and myself. For the Houses of Reform, Boys and Girls, Miss Simms, Mrs. Riker and myself. When we make our report and our investigation, then we make a full report to the board and the board either approves or disapproves. Then it must go to the Governor for his approval.

207. The board approves of this action in a regular meeting of the board from a report filed with them by the committee, and that is either approved or disapproved by the Governor?

A. Yes, sir.

208. I see you have employed Mr. George W. Hubley, consulting engineer, at a salary of $1,800.00 a year, paying him in advance. Why was that done?

A. I can't tell you.

209. Is that good business, do you think?

A. Probably not.

210. Did you not rent a farm down there at Eddyville?

A. Yes, sir.

211. And pay that rent in advance?

A. I think not. I didn't know it if it was.

212. Rented Nov. 15, 1921, for $2,500.00 and rent paid December first in advance?

A. If the record shows it I didn't know it. Have you got a copy of that contract here?

213. Yes, the contract shows $2,500.00 paid in advance. (Hands Mr. Tachau the contract.)

A. Yes, I see it says that, but I didn't know it.

214. Have you not an option on that farm at $50,000.00?

A. No, sir.

215. Read that. (Handing him paper.)

A. I see it does say on December 1, 1921, the rent for the year is to be paid, but the option that you speak of, Mr. Drury, is not an option of $50,000.00.

Said farm contract is in words and figures as follows:

"This contract and agreement, entered into this 16th day of November, 1921, by and between James F. Ramey, of Lyon County, Kentucky, party of the first part, and the State Board of Charities and Corrections of the Commonwealth of Kentucky, with offices at Frankfort, Kentucky, party of the second part.

Witnesseth: That the party of the first part hereby leases and rents to the party of the second part his farm, the following described tract of land, lying and being in Lyon County, Kentucky, near the town of Eddyville, Kentucky, and

located upon the Cumberland River, opposite the State Penitentiary and the town of Eddyville, Kentucky, together with all improvements thereon, the terms, conditions, consideration and specifications being specifically as follows, to-wit:

(1) The aforesaid land and farm is leased and rented by said first party to said second party, from the 15th day of November, 1921, to the 15th day of November, 1922, with the options and privileges set forth in this lease, on the following conditions:

(2) Second party agrees and binds itself to pay for the rental of said land for the year beginning November 15, 1921, and ending November 15, 1922, the sum of twenty-five hundred dollars ($2,500.00), said sum to be paid on December 1, 1921, to the party of the first part or his order.

(3) First party hereby gives to said second party full and complete option to lease said land for an additional period of three years at the expiration of this lease, i. e., November 15, 1922, at the same rental per annum at which the farm is leased for the year ending November 15, 1922, that is for the sum of twenty-five hundred dollars ($2,500.00) per annum, to be paid annually on the first day of December.

(4) It is further agreed that as a part of the consideration of the payment for the rental of the premises herein leased for the sum hereinbefore mentioned, the said first party hereby gives to the said second party a full and complete option to purchase the tract of land hereinbefore described at any time during the term of this lease, or during any term for which the farm may be rented by the party of the second part under the terms of this lease as provided in Section 3 hereof at an agreed price of fifty thousand ($50,000.00), or at a price to be fixed by a representative of the party of the first part, a representative of the party of the second part, and a third party to be chosen by the representative of the party of the first part and the representative of the party of the second part, and should second party within said period or periods,

elect to exercise said option, then the first party agrees and binds himself to execute to the Commonwealth, or the proper officers thereof, or to said second party, a fee simply deed and conveyance to the property herein described and listed.

(5) First party grants to second party as a part of this lease, and during its entire period, the right to fully and freely exercise any and all advantages and privileges, pecuniary or otherwise, growing out of or appurtenant to the use of the river frontage bounding said land, such as any income that may be derived from the tying up of rafts, boats or other craft and the pumping of sand from the bed or along the abutting bank of the river.

(6) Second party binds itself not to assign this lease, in whole or in part, nor to sublet the tract of land or any portion thereof without the written consent of the first party.

(7) Second party agrees not to make any improvements or clearing on said land, nor to do any character of work or improvements thereon at the expense of the first party, unless said improvements, clearing or work be made in pursuance to a written stipulation setting out the terms and conditions upon which same may be done.

(8) Second party agrees to surrender to first party, his heirs or assigns, the foregoing leased property at the end of the lease term, or terms as specified in Paragraph 3 hereof, without notice, and all in as good repair and condition as same is at the present time, reasonable wear and tear excepted, and it is agreed that any buildings or improvements of a permanent nature placed by said second party upon said property shall be and become the property of the first party without accountability to second party unless it be stipulated in writing between the parties that said second party may remove any such buildings or improvements, or parts thereof, at the termination of this lease.

(9) Each and every paragraph hereinbefore written, as is the next one following, is to be construed as a part of the

consideration of this contract of lease, and any failure on the part of the second party to observe an comply with the terms set out shall, at the option of the first party, operate to terminate this lease, and upon any failure of the second party to observe and comply with the terms hereof shall be construed as a breach, and first party may enter and take possession of said premises upon thirty days' written notice to said second party.

(10) And it is further agreed and understood between the parties hereto that should second party at any time, during the term of this lease, or leases as provided in Paragraph 3 hereof, exercise the foregoing option of purchase and purchase the said land from the first party, then and in that event this contract is to terminate and to be and become of no effect.

WITNESS our hands, this 15th day of November, 1921.

(Signed) JAMES F. RAMEY,
Party of the first part.

THE STATE BOARD OF CHARITIES AND CORRECTIONS
(Signed) By: E. S. TACHAU,
Chairman.

Attest: (Signed) B. T. BREWER,
Secretary.
Party of the second part."

By Mr. Tachau: Now, Mr. Drury, you will note that the paragraph which you call an option simply fixed a price if we want to buy it at that price. But we are not bound by any fifty thousand dollars if we want to buy it.

216. Could you buy it for less?

A. Certainly.

217. Then why have the option?

A. He just mentioned it at that price. He said if you ever want to buy it you can get appraisers and fix the price.

218. You made the contract?

A. Yes, I made it personally.

219. Do you know what the farm is listed at?

A. No, sir.

220. Did you sign that contract?

A. I did.

221. And didn't know that the rent was paid in advance in it?

A. The contract was sent to me and the board considered it and the lawyers considered it, Judge Humphrey and others—— (Interrupted).

222. Didn't Mr. Chilton tell you not to lease that farm?

A. He did not.

223. How many acres in the farm?

A. 1100.

224. This contract expires on the 15th of next November. What about the corn crop?

A. We can get it off.

225. Does the contract provide it?

A. No, but we can get any crop off. I can guarantee that.

226. Do you think that if you have not finished getting corn off November 15th and there was five or six hundred dollars' worth of corn remaining on there that you could get it off by law?

A. Let me read you this letter:

"OFFICE OF THE INSURANCE COMMISSIONER, JAMES F. RAMEY, COMMISSIONER.

"Frankfort, Ky., February 9, 1922.

"E. S. Tachau, Chairman,
"Board of Charities and Corrections,
"Frankfort, Kentucky.

"Dear Sir: I have noticed an editorial in the Lyon County Herald criticising the action of your board concerning its contract with me for my farm from November 15, 1921, to November 15, 1922.

"This is to advise you that I have never had in mind, nor have I now in mind any other plan or purpose but that you

may, and you are by this letter authorized, should the lease be allowed to expire, to remove any crops that may be on this farm, or to finish the cultivation or take possession of any crops that may be growing on the farm.

"I deem it almost unnecessary to write you this letter, but I am doing so on account of the above mentioned criticism.

"Very respectfully,

JFR. BS. "(Signed) JAMES F. RAMEY."

227. What date is that letter?

A. February 9, 1922.

228. Written after this committee was appointed?

A. Yes, sir; and after the article criticizing the contract.

229. Don't you think that is about the most valuable thing of the contract that you have, that letter?

A. I don't think so. We are paying $2.27 per acre for eleven hundred acres.

230. Didn't this man sell a half interest in that farm two years ago for eight thousand dollars, and didn't he surrender it?

A. I haven't any idea.

231. If I told you that he bought it when land was high and sold it back, would you not consider that about the value of the land?

A. No.

232. Isn't all of this land tillable?

A. No.

233. How much of it is tillable?

A. Two hundred acres of first class river bottom land, cleared of stumps; two hundred acres of first class second river bottom land, suitable for raising vegetables, tobacco and, in fact, any crop; two hundred acres branch bottom and freshly cleared land, suitable for potatoes, corn, etc.; five hundred acres woodland pasture, one-half of which is fenced, about two hundred acres fenced in good. Two hundred and

fifty acres of the second bottom branch and hill land is now in good pasture. Situated thereon are, one good residence, six tenant houses, six large barns, two large corn cribs, two silos, and one large cattle shed; good stock water in every field,—branch and pond; a hundred tons of ground limestone ready for distribution; small orchard of apple and plum trees.

We had a farm of 140 acres down there, I think, lying just above the town of Eddyville, for which I think the old board paid $5.00 an acre. Some of the land I am told, I think by Mr. Chilton, was good and some very poor. They came to us with an enormous increase in the rental of this farm if we wanted it again. I don't know how much it was, and we just decided that we were not going to be held up for this land. So last year we did without any farm except a few acres belonging to the State down there. This farm lies immediately across from the institution. You can see the corn on it from the institution. We have some good farmers on our board, men who have been successful as farmers.

234. By Mr. Nelson: Have they ever been on that farm?

A. I think not, Mr. Nelson.

235. Don't you think that as a matter of business that before I would rent or lease or take an option on a farm I would want to go over that farm, and I would have a better idea of whether I was going to get my money's worth?

A. We knew the farm by reputation, and the price of $2.27 an acre was so ridiculously small that we knew we could make money on it. That was done only after three full board meetings with all acting on it. We think that we have rented a remarkably cheap farm.

Mr. Drury resumes questioning.

236. You said at the very first that you did not know that you had paid the rent in advance, didn't you?

A. Yes, sir.

236. Did you sign the contract?

A. Yes, sir.

237. Who drew up that contract?

A. Was drawn up by the board.

238. Did you ever hear of a man paying rent in advance for a farm?

A. Depends on how much you paid for it.

239. $2,500 paid in advance for a $16,500.00 farm is pretty good rent in advance, isn't it?

A. I don't know about that.

240. I am telling you that one-half of this farm was sold for $8,000.00 and afterwards returned. Under those circumstances, would you think you had paid a fair rent?

A. That is not a fair way to put it. He took his brother in to get his brother to run the farm.

241. His brother was financially able to pay for the farm, wasn't he?

A. I don't know.

242. If he was and turned it back, would you think that I got about the price of that farm?

A. I don't know what a man would do for his brother. In my own case I gave my two boys when they returned from the service a twenty per cent interest in my business.

343. Did they turn that 20 per cent back to you?

A. No, sir.

244. That's the test. If he gave his brother a half interest for eight thousand dollars he would not have given it back unless he thought he had not gotten much, would he?

A. Depended entirely upon his brother's ability to make money on it. The only thing is this: that the board felt that it was authorized to rent that farm. They felt that they were renting at a very low rental. I believe anybody will tell you that $2.27 is a very low rental as compared with the farm that we had before at $5.00 an acre, and for which they wanted either $10.00 or $15.00 an acre to renew their contract, I believe.

245. Did the board when making up their request to the

Budget Commission have the amount of money for the board this year estimated in with a sufficient amount to buy this farm if they saw fit to do it?

A. No.

246. It is not contemplated to buy it?

A. No, sir.

247. You took an option on it, didn't you?

A. That isn't an option. He fixed the price at $50,000.00, but if we didn't want to pay that price, if it didn't suit us and was not satisfactory, the appraisal could be fixed at a different price if we wanted to buy it.

248. Would you have made that kind of a contract for yourself?

A. The board did it. They authorized me to rent it for three thousand dollars. I rented it for $2,500.00.

249. Could you not have rented it for $1,500?

A. If so I certainly would have done so. Don't believe you or anybody else could have leased it for that amount.

250. Don't the river overflow on that land?

A. Yes, sir; that is the reason you can put it in corn every year.

251. Sometimes causes the crops to be lost?

A. Yes, sir; every farmer in the bottom takes that chance.

252. You have to cross the river to get to it, don't you?

A. Yes, sir.

253. Rather inconvenient, isn't it?

A. No, sir; right in front of the prison.

254. Does the county road run through it?

A. I don't know; never could quite understand why anybody is protesting against renting that farm across the river when other farms were in Eddyville a mile and a half away.

255. Wasn't that protest based on this order: "December 15, 1921. On motion the commissioner is directed to take

such steps to gradually center at Eddyville Penitentiary the more incorrigible persons from the State Reformatory, the object being to separate them from the other class who may respond looking to their reform. Judge Humphrey is to investigate the statutes to see whether or not there is anything to prevent the carrying out of such policy of segregation."

Didn't the citizens object?

A. No, sir; they never saw fit. Our purpose was to work on that farm men that you can't work on contracts; the older men and the men who have some infirmity or other, who can't earn their money on contracts, who are now at work caneing chairs or work of that kind. We felt that those kind of men could well be worked on the farm. We have for years been working men on the farms and nobody ever protested before, and the last farm was almost in the city of Eddyville; so why this great hullaboo now when this farm is isolated. Whether those are county roads running through the farm or not, I don't know.

256. Wasn't it because the children had to pass through there going to school?

A. Would not children have to pass this farm almost in the city of Eddyville.

257. Now, Mr. Tachau, what brought about the policy of the board of paying accounts and paying salaries in advance? What was the reason and justification for such a departure from general business methods?

A. I presume that the board in considering this payment in advance felt that they were renting this farm so cheap, possibly, that they were willing to waive this part of it. In the case of Mr. Hubley, his salary was paid in advance possibly by an oversight at the rate of so much per month.

258. I see Mr. Hubley also gets $25.00 per day for extra services. For what could that be?

A. I don't know whether Mr. Hubley has ever been called on to perform any extra duties or not. He is called on

to inspect and recommend and look after the saving of coal, to look after the upkeep of the power plants in the institution. I would like to read you a little part of his report.

259. I want an explanation of why you pay him $1,800.00 a year and $25.00 per day for extra work.

A. He is only paid when he does extra work.

260. What is the extra work he has to do under his contract?

A. Let me read you Mr. Hubley's report.

261. Go ahead and read anything you want to.

"REPORT OF THE CONSULTING ENGINEER, GEORGE W. HUBLEY.

"I beg to submit the following report covering a brief summary of the services as rendered to the power plants of the State institutions, during the year ending July 1, 1921:

"*Nature of Services:* During the past year we have made regular periodical inspections and checking of the operating conditions of the power plants of the following institutions, under the direction of your board, and in addition we have given service in an advisory capacity with members of the board and officials of the institutions:

(1) Central State Hospital ..... Lakeland, Ky.
(2) Eastern State Hospital ..... Lexington, Ky.
(3) Western State Hospital ..... Hopkinsville, Ky.
(4) State Reformatory ..... Frankfort, Ky.
(5) State Penitentiary ..... Eddyville, Ky.
(6) Feeble-Minded Institute ..... Frankfort, Ky.
(7) Houses of Reform ..... Greendale, Ky.

"*General Conditions:* A complete survey and investigation was originally made by us of the power plant equipment and heating systems of each institution, and a careful check was made of the existing conditions of operation of each individual plant and reports were submitted to your board which covered our recommendations and suggestions for improving the plant operation for the purpose of increasing

their efficiency and thereby obtaining better economy in operation. The result of these efforts was to reduce the costs of operation, especially as referring to the item of fuel.

"The general condition of the power plants and the heating systems in most of the institutions was found to be run down with evidence of neglect in the maintenance and a lack of proper attention to the operation. Consequently, there existed heavy losses of fuel as evidenced by the waste of steam.

"*Coal Consumption:* According to the records as compiled during 1920 as shown in detail in our original reports, covering the year of 1919, as compared with the basis of present contracts for the coal supply for the year 1921, the following table shows the relative savings in the coal consumption as resulting from the changes and improvements that have been made in power plants during the past year.

	Name of Institution	Coal Consumption Year 1919 Tons	Coal Consumption Year 1921 Tons
(1)	Central State Hospital	9,570	7,500
(2)	Eastern State Hospital	6,315	4,750
(3)	Western State Hospital	8,620	6,000
(4)	State Reformatory	11,792	9,000
(5)	State Penitentiary	5,338	4,000
(6)	Feeble-Minded Institute	1,959	2,500
(7)	Houses of Reform	6,643	.....
	Totals	50,237	33,750

"It will be noted that the difference shows the amount of 16,487 tons of coal—or equivalent to 32-8/10 per cent, which represents the saving of coal for the year 1921 as compared with the year 1919.

"Attention is called to this material reduction of fuel requirements as shown, and in our opinion this gratifying

result in the saving of this large amount of fuel was caused primarily by the stop loss measures as taken to prevent leakage of the existing waste of steam which formerly existed; also, to the general improvement in operation of the plants.

"Our various reports of the insepctions as made in power plans of the institutions, covered a number of recommendations for their improvement and the following gives a tabulation of the principal items of the work as approved by your board which have been executed during the past year:

"First: Preparation of specification and the careful selection of kind of coal as best adapted for use with the equipment in the individual plants, and the purchase of same under a yearly contract, in order to insure uniformity of product being delivered, and also, the purchase of coal for future delivery under contract was made on the basis of very advantageous prices as compared with buying coal on the open market without any protection as regards to size and quality of coal to be delivered.

"Second: Providing for ample storage of coal at the various plants for purpose of protection in case of failure of deliveries due to strikes, car shortage, etc.

"Third: Preparation of uniform specifications for the purchase of lubricating oils to be used by all State institutions for the purpose of insuring better lubrication at a reduced cost. An appreciable saving is shown in the prices of the oils as purchased under the present contracts; furthermore, it is estimated that a saving of at least 25 per cent will result by the reduced amount of lubricating oils as will be required by the power plants.

"Fourth: Installation of boiler instruments in all power plants, including draft gauges, pyrometers, therometers, fee water meters, C O2 Analyzers, etc., for the purpose of obtaining necessary information as required for intelligently operating the boilers to the best advantage of their economy.

"Fifth. Maintaining complete records of power plant

data of daily operation, including the weighing of coal as received and checking the amount of coal as used daily by the boilers; measuring the amount of feed water as evaporated; keeping records of the temperatures and making analyses of the waste gases, etc.

"The information so obtained makes it possible to check the conditions of economy and thereby improve the operation —also makes it possible to promptly check losses or wastes as may be indicated.

"Sixth: General repairs and reconstructions as necessary of all boiler settings, including the covering of the brickwork with plastic cement compound, for the purpose of stopping leakage of excess cold air into the boilers. These improvements have resulted in a material saving of coal in all plants.

"Seventh: Making repairs and placing the steam and hot water piping system in good condition for purpose of eliminating the losses of steam and hot water that formerly existed.

"Eighth: Insulation of the exposed surfaces of steam and hot water piping lines, to prevent radiation losses and thereby save fuel.

"Ninth: Overhauling the engines, pumps and other steam-using equipment for purposes of stopping the waste in steam consumption and improving the economy of apparatus in operation.

"Tenth: Improving the schedules and methods of boiler operation for purpose of increasing the economy. It was found possible to reduce the boiler capacity as formerly maintained under service.

"Eleventh: Similar changes made in schedules in the operation of the engine units for the purpose of improving their economies.

"Twelfth: Changes made in piping returns of condensate from the heating system and other sources where formerly

the hot water was discharged to the sewers and thereby wasted.

"Thirteenth: Elimination of the use of compounds in boilers during the winter months, which resulted in considerable saving.

"Fourteenth: Installation of new equipment consisting of hand-operated stokers and shaking grates as made under the boilers at plants of the Central State Hospital, Lakeland, State Reformatory, Frankfort, and Houses of Reform, Greendale.

"Fifteenth: Repairs were made and track scales were placed in commission at the Eastern State Hospital, Lexington, for the purpose of maintaining a check of weight of the coal as delivered to this plant.

"Sixteenth: Purchasing and installing smaller capacity of engine-generator units at plants of the Feeble-Minded Institute, Frankfort, and the Houses of Reform, Greendale, for the purpose of improving the economy of operation by reducing the steam consumption as compared with previous practices.

"Seventeenth: Purchase and installation of new feed water heater at plant of the State Penitentiary, Eddyville, for the purpose of improving the economy in operation of the plants.

"Eighteenth: Making use of exhaust steam to displace the use of live steam, as formerly used on heating system at plant of the State Reformatory, Frankfort. This improvement will result in considerable saving of fuel.

"Nineteenth: Installation of new breeching connections between the boilers and stack at plant of the Eastern State Hospital, Lexington.

"Twentieth: Installation of Central Station service connection with the Farm Colony at the Feeble-Minded Institute, Frankfort, to replace the use of kerosene oil lamps as formerly used for the lighting service.

"Twenty-first: Remodeling of boiler room at plant of the Western State Hospital, Hopkinsville, including the installation of a partition wall between the coal bins and the boiler room.

"Twenty-second: Replacement of Alfree engine-generator unit which was practically worn out at plant of the State Reformatory, Frankfort, by a 125 KW Ridgeway engine-generator set to be moved from plant of the Houses of Reform, Greendale, which apparatus is in strictly first class condition and not needed for service at the latter plant.

"The foregoing list represents the principal items of improvements that have been taken care of during the past year, in accordance with our recommendations, and there is no doubt as regards to the beneficial results of such changes.

"However, the following items as covered by our recommendations have not been carried out as yet:

"First: Installation of mechanical soot blowers on boilers of all the plants.

"Second: Installation of feed water regulators on boilers of all plants.

"Third: Replacement of defective motor traps on radiators of the heating systems of all plants with exception of the Western State Hospital, which was taken care of last year.

"Fourth: Installation of scales for checking the weight of coal as received by all plants, with exception of the Eastern State Hospital, Lexington, which has been taken care of, as previously noted in this report.

"Fifth: Insulation of all steam and hot water piping that is exposed, which has not already been given attention.

"Sixth: Extensive changes in piping system at plant of the State Reformatory, Frankfort.

"Seventh: Installation of exhaust steam hot water heater at the State Reformatory, Frankfort.

"Eighth: Complete overhauling, consisting of the neces-

sary repairs of the engine-generator units at plant of the State Reformatory, Frankfort, also similar work on engines at plant of the Eastern State Hospital, Lexington.

"Ninth: Improvements to be made in steam piping headers and boiler connections at plant of the Central State Hospital, Lakeland.

"Tenth: Installation of a refrigerating and ice making system at plant of the State Reformatory, Frankfort; also, replacement of present steam refrigerating units with electrically driven units at plant of the Central State Hospital, Lakeland.

"In conclusion, we wish to express appreciation of the splendid co-operation as extended by the members of the board, the superintendents and chief engineers of all institutions for the able assistance in carrying out the work as placed under our direction as consulting engineers and we feel assured that the results have been most gratifying in bringing about improvements which have resulted in giving the desired economies in operation—hence a saving of fuel.

"However, we feel that the work to date has largely been a 'stop loss' proposition by eliminating the waste that formerly existed, and it may be expected that the most pronounced economies will follow after the benefits of the improved conditions of operation are made possible by continued efforts along similar lines during the coming year."

(No signature).

262. Isn't it a fact that you installed gas and that that is the real reason for this saving in coal?

A. Only during the summer months.

263. Did he allow for that and didn't the State spend quite a good deal installing that?

A. I don't know.

264. You know that the gas was installed?

A. Yes.

265. Did he give any credit for the fact that you were using gas instead of coal?

A. I don't see it. Let me see the report again. No, he makes no reference to gas in his report.

266. Have you paid him during the period of his employment more than $1,800.00 a year?

A. I think not.

267. And have you paid him that $25.00 a day for extras?

A. I think not.

268. What about the cost of the gas?

A. I can find out about the cost of the gas. We use gas only at the Eastern Asylum and at the Reformatory. On the basis of 16,000 tons of coal at $5.00 a ton, that would make a saving of approximately $80,000. Now I know that the amount of gas used in those two institutions— (Interrupted).

269. What are you paying for coal?

A. I am only using that as a basis.

270. What are you paying for coal?

A. I will show you the contracts if you want to see them. I am only using that as an illustration to show you that the amount of gas burned was comparatively nothing.

271. I see where you paid $5,484.22 as expense in changing your system of bookkeeping. Wasn't that a very heavy item of expense? You paid Escott and Barnett that amount.

A. That wasn't only for changing the system. They were employed at $20.00 a day. That was also for making a complete survey.

272. Didn't the American Audit Company, of Cincinnati, say they could do it very cheaply and ask for an opportunity to bid on the work and you didn't give them the opportunity?

A. I don't know about that. We paid Escott and Barnett at the rate of $20.00 a day.

273. They worked for you, then, something like a year, didn't they?

A. I think until recently they were still working.

274. What private institution would have paid that much to change their system of bookkeeping?

A. I happen to know that Hirsch Brothers, in Louisville, have paid over $20,000 for systematizing their system of bookkeeping.

275. How large a business have they?

A. I don't suppose it is much more than ours.

276. Isn't it a fact that they are one of the biggest institutions in the United States?

A. Yes, but we do two million dollars' worth of business a year. Under our new system of bookkeeping you are able for the first time to find any cost sheets for State institutions.

277. Wouldn't you rather see the State institutions without cost sheets and money in the bank than have cost sheets and no money in the bank and show a loss?

A. I am reporting the total amount of money we spent —what we have done in all the institutions. I believe if you gentlemen will go around and see these institutions you will get an entirely different idea as to the question of the money spent. We are looking after the inmates. We have not spent a dollar more than the Legislature said we could spend. You take the Lakeland Asylum; take the Eastern Hospital for the Insane; look at the plumbing in those buildings, which are 107 years old. See how much should be spent. I see the Examiner criticises the showers; says that they are clumsy looking. You could spend in those institutions twice as much money as is spent and spend it wisely for the unfortunates that are in the State.

278. I will say this to you, Mr. Tachau: We find a loss that is staggering; we find the people of Frankfort criticising the management of the Reformatory; we find more prisoners escaping than ever before; we find more money paid out for returned convicts; we find men on your payrolls whose sal-

aries have been doubled and tripled; expense accounts running from $1,975 to $3,400 a month. In view of all that, what is the good of that money and why not think of the dollar when the people of the State are paying it out, and why not expect some good results?

A. Every dollar has been spent wisely.

By Representative Vest.

279. Ever reduce any salaries?

A. I hope not. The salaries paid today to the attendants are a crime; $30 and $35 a month, and then have to be thrown constantly in that atmosphere.

280. You have lots of applicants for positions, don't you?

A. We have today but there was a time when we could not get them at all.

281. But you could get some to render the same service for less money, could you not?

A. That is a question. The attendant should have sympathy and a heart.

282. What did you pay the bandmaster down there at the institution?

A. I don't know.

283. Did you pay him in advance?

A. I don't know.

284. Do you know anything about his having been employed.

A. I know we had one.

285. Have you one now?

A. Have had two. The chances are now we haven't any.

286. Have you not any prisoners suitable for bandmasters?

A. None that I know of.

287. Have you ever had a bandmaster at the other in-

stitutions? Ever hear of it? Why not at the other institutions?

A. I don't know.

288. Have you a school teacher there?

A. Yes, sir.

289. Haven't you got Prof. Threlkeld in there? Why couldn't he teach?

A. He is an old man, and you must bear this in mind, when a man is a prisoner in an institution he can't get the respect that an outsider, an outside school man gets. I don't believe the public or anybody else would criticise us for making men learn to read and write.

290. Can't he teach them under the supervision of the guards and get results?

A. Tried it for two years and didn't get results.

291. Why didn't you have the bandmaster paid as bandmaster instead of as a guard?

A. I don't know whether he was registered as a bandmaster or as a guard.

292. Do you feel that there is justification for the employment of a bandmaster at the institution?

A. I think there should be music there.

293. Hasn't there always been music there?

A. I don't know.

294. Wasn't there under Mudd?

A. I don't know.

295. Wasn't there under Lillard?

A. I don't know.

296. And under Phythian?

A. I don't know; can't answer that.

297. Then how do you know anything about their management being so bad?

A. I have not spoken of their management so far as their music was concerned. You will notice that I have tried to keep away from saying anything about our predecessors.

298. I think you have, and I think you have also kept away from comparison of the expenses and accounts and upkeep accounts of your predecessors, have you not?

A. That is a matter between business men.

Here adjourned until Saturday morning, February 11, 1922, at 10 o'clock.

Committee convened again at 10 o'clock, February 11, 1922, in the Senate Chamber, pursuant to adjournment the previous night.

By agreement Mr. Arthur L. Doyle, Assistant State Auditor, was introduced as a witness, and was sworn and testified, with the understanding that Mr. Tachau would be recalled to complete his examination.

Arthur L. Doyle:

1. What is your name, please?

A. Arthur L. Doyle.

2. What position do you hold at the present time?

A. Assistant State Auditor.

3. How long have you held this position?

A. Since January 5, 1920.

4. I hand you here a bill dated September 4, 1920, for certain supplies to be used in the warden's home by Mr. Moyer. Ever see copy of that bill before?

A. Yes, sir.

5. Ever presented for payment to your department?

A. Yes, sir; it was.

6. What action did you take on it?

A. Refused to pay it.

7. How was it paid?

A. Out of accumulated petty cash at the State Reformatory.

8. Will you make this bill a part of your deposition?

A. Yes, sir.

(Continued in Vol. III.)